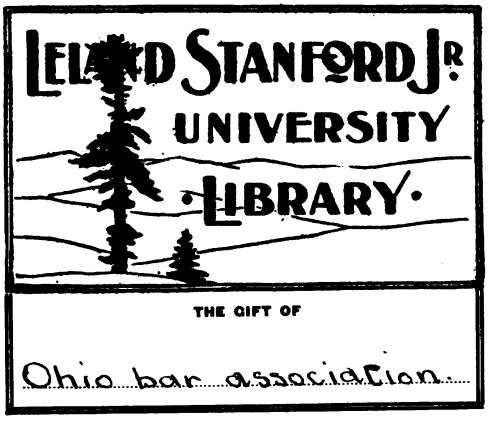

Barbour - Ohio

OHIO
STATE BAR ASSOCIATION

REPORTS, VOLUME XX.

PROCEEDINGS

OF THE

ANNUAL MEETING OF THE ASSOCIATION,

HELD AT

PUT-IN-BAY,

JULY 11, 12 AND 13, 1899.

CONSTITUTION, BY-LAWS, LIST OF OFFICERS,
MEMBERS, ETC.

DOUGLAS A. BROWN, Official Stenographer.

NORWALK, OHIO:
THE LANING PRINTING COMPANY.
1900

INDEX.

A.

B.

C.

D.

E.

F.

H.

J.

K.

L.

M.

N.

O.

P.

R.

S.

T.

V.

W.

The Ohio State Bar Association.

CONSTITUTION.

I. NAME.

This Association shall be known as "The Ohio State Bar Association."

II. OBJECT.

The Association is formed to advance the science of jurisprudence, to promote reform in the law, to facilitate the administration of justice, to uphold integrity, honor and courtesy in the legal profession, to encourage thorough, liberal, legal education, and to cultivate cordial intercourse among the members of the bar.

III. MEMBERSHIP.

The members of the bar attending this Convention as delegates this eighth day of July, 1880, are hereby declared to be members of this Association, provided they shall, during the present session, pay the admission fee and sign the Constitution. Any member of the bar, of good standing, residing or practicing in the State of Ohio, may become a member of the Association upon the nomination and vote, as hereinafter provided.

IV. ELECTION OF MEMBERS.

All nominations for membership shall be made by the Committee on Admissions, and must be transmitted in writing to the President and by him reported to the Association, and if any member demands a vote upon any name thus reported, the Association shall thereupon vote thereon by ballot. Several nominees may be voted upon on the same ballot, and in such a case the placing of the word "no" against any name or names upon the ticket shall be deemed a negative vote against such name or names, and against those only. One negative vote in every five shall suffice to defeat an election. No member of the bar residing in a county where there is a local bar association, shall become a member of this Association unless he shall also be a member of such local association.

V. OFFICERS.

The officers of the Association shall be a President, who shall deliver the annual address, and be ineligible for a second term; one Vice-President for each judicial district reported by membership in the Association; a Secretary and Treasurer. All of these shall be elected at the annual meeting, and hold their offices until the next annual meeting of the Association, and until their successors are elected.

VI. COMMITTEES.

The President shall, with the approval of the Association, appoint the following Standing Committees: An Executive Committee, a Committee on Admissions, a Committee on Judicial Administration and Legal Reform, a Committee on Legal Education, a Committee on Grievances, and a Committee on Legal Biography.

And each Standing Committee shall be composed of one member from every judicial district represented in the Association. A majority of the members of every committee who may be present at a meeting of the Association shall constitute a quorum of such committee for the purposes of such meeting.

Every committee shall, at each annual meeting, report in writing a summary of its proceedings since the last annual report, together with any suggestions deemed suitable and appertaining to its powers, duties or business. A general summary of all such annual reports and of the proceedings of the annual meetings shall be prepared and printed by and under the direction of the Executive Committee, together with the Constitution, By-laws, names, and residences of Officers, Standing Committees and members of the Association, as soon as practicable after each annual meeting.

VII. FINAL ACTION.

No action of the Association of a permanent nature, or recommending changes in the law or the administration of justice, shall be final until approved by the Standing Committee, to which the same shall be referred by the Association.

VIII. PRESIDENT.

The President, or, in his absence, the senior Vice-President, shall preside at all meetings of the Association, and the President shall deliver an address at the opening of the meeting next after his election.

IX. EXECUTIVE COMMITTEE.

The President and Secretary shall be ex-officio members of the Executive Committee. The Committee

shall manage the affairs of the Association, subject to the provisions of the Constitution and By-Laws, and shall be vested with the title to all its property as trustees thereof, and shall make By-Laws for the Association, subject to amendment by the Association.

X. COMMITTEE ON ADMISSIONS.

The proceedings of this Committee shall be deemed confidential, and shall be kept secret, except so far as written or printed reports of the Committee shall be necessarily and officially made to the Association.

XI. COMMITTEE ON JUDICIAL ADMINISTRATION AND LEGAL REFORM.

It shall be the duty of the Committee on Judicial Administration and Legal Reform to take record of all proposed changes of the law, and to recommend such as may be, in its opinion, entitled to the favorable influence of the Association; and, further, to observe the working of the judicial system of the State, to collect information with reference thereto, and to recommend such action as it may deem advisable.

XII. COMMITTEE ON LEGAL EDUCATION.

It shall be the duty of the Committee on Legal Education to examine and to report what change it is expected to propose in the system of legal education and of admission to the practice of the profession in the State of Ohio.

XIII. COMMITTEE ON GRIEVANCES.

The Committee on Grievances shall receive all complaints which may be made in matters affecting the interests of the legal profession, the practice of the law

and the administration of justice, and report the same to the Association, with such recommendations as it may deem advisable.

The proceedings of this Committee shall be deemed confidential and kept secret, except so far as reports of the same shall be necessarily and officially made to the Association.

XIV. COMMITTEE ON LEGAL BIOGRAPHY.

The Committee on Legal Biography shall provide for the preservation among the archives of the Association of suitable written or printed memorials of the lives and characters of deceased members of the Ohio Bar, and procure and report to the next annual meeting a short biographical sketch of each member whose death shall have been reported at any annual meeting. [Amended December 28, 1886.]

SECRETARY.

The Secretary shall keep a record of the proceedings, and conduct the correspondence of the Association, and perform the usual duties of such office.

TREASURER.

The Treasurer shall collect and by order of the Executive Committee disburse all funds of the Association, and keep regular accounts, which at all times shall be open to the inspection of any member or members of the Executive Committee.

ANNUAL MEETING.

The Association shall meet annually at such time and place as the Executive Committee may select, and those present at such meeting shall constitute a quorum.

DUES.

The admission fee will, in all cases, be $2. The annual dues of the members shall be $2, to be paid yearly on or before the first day of the annual meeting of the Association, and after each annual meeting the Treasurer shall notify each member in arrears for dues of the amount due; and any member who shall remain in default for dues until the close of the annual meeting next following such default, shall be suspended and dropped from the rolls, and shall not be reinstated until all back dues are paid; provided, however, that in case such back dues amount to more than $5, such members may, upon recommendation of the Committee on Admissions, be reinstated on payment of the sum of $5. (Amended December 28, 1886, and July 15, 1892.)

AMENDMENTS.

This Constitution may be altered or amended by a vote of a majority of the members present at any annual meeting, with the approval of the Executive Committee.

BY-LAWS.

The following By-Laws prepared by the Sub-Committee appointed for that purpose were adopted in the month of September, 1881, by the following indorsement written thereon:

APPROVED.

The undersigned members of the Executive Committee hereby consent that a meeting of the Committee to consider the within By-Laws be dispensed with, and that said By-Laws be considered as adopted and be published by the Secretary with his report.

RUFUS KING,
JOHN W. HERRON,
J. T. HOLMES.
L. J. CRITCHFIELD.
GEO. W. HOUK.
JOHN F. BROTHERTON.
WARREN P. NOBLE.
GEO. W. GEDDES.
CHAS. H. GROSVENOR.
D. A. HOLLINGSWORTH.
WM. UPSON.

I. The Executive Committee, at its first meeting after each annual meeting of the Association, shall select some person to make an address at the next annual meeting, on the life and services of any deceased member of the bench or bar of Ohio, of eminence, or other subject; and also not exceeding five members of the Association to read papers.

II. The Order of Exercises at the annual meeting shall be as follows:

(a) Annual Address of the President.

(b) Report of Committee on Admission and Election of Members.

(c) Report of Secretary.

(d) Report of Treasurer.

(e) Reports of Standing Committees:

Executive Committee.

On Judicial Administration and Legal Reform.

On Legal Education.

On Grievances.

On Legal Biography.

(f) President's call upon each Judicial District for names of deceased members.

(g) Reports of Special Committees.

(h) The Nomination of Officers.

(i) The Appointment of Standing Committees.

(j) Miscellaneous Business.

(k) The Election of Officers.

The address to be delivered by a person invited by the Executive Committee shall be at the morning session of the second day of the annual meeting, and the reading of papers by the members appointed by the Executive Committee on the same day, unless the Executive Committee shall designate some other time for the address and reading of papers. After the reading of each paper an opportunity shall be given for discussion on the topic of the paper.

The Executive Committee shall publish, some days in advance of each annual meeting, a statement of the person who is to deliver the address, and the persons who are to read papers, and the subject of each. (Amended December 28, 1886.)

III. No person taking part in a discussion shall speak more than ten minutes at a time, or more than

twice on one subject. A stenographer shall be employed at each annual meeting.

IV. At any of the meetings of the Association, members of the bar of any foreign country or of any state other than Ohio, who are not members of the Association, may be admitted to the privileges of the floor during such meetings.

V. All papers read before the Association shall be lodged with the Secretary. The annual address of the President, the reports of the Committees, and all proceedings at the annual meeting shall be printed; but no other address made or paper read or presented shall be printed, except by the order of the Executive Committee. Extra copies of reports, addresses, and papers read before the Association, may be printed for the use of their authors, not exceeding one hundred copies to each of such authors.

The Executive Committee, as a Committee on Publication, shall meet within one month after each annual meeting, at such time and place as the Chairman shall appoint.

VI. The terms of office of all officers at any annual meeting shall commence at the adjournment of such meeting; but the terms of office of the members of the several committees appointed by the President shall commence immediately on their appointment.

VII. Each committee shall elect its own officers, whose terms of office shall commence on their election and continue until the appointment of a new committee. And each Standing Committee shall continue until its successor shall be appointed.

VIII. All Standing Committees shall meet on the day preceding each annual meeting, at the place where the same is to be held, at such hour as the respective chairmen may designate.

IX. Special meetings of any committee shall be held at such times and places as the chairmen thereof may appoint. Reasonable notice shall be given by him to each member by mail.

X. The Treasurer's report shall be examined and audited annually, before its presentation to the Association, by two members to be appointed by the Chairman of the Executive Committee.

MEMORANDA.

All judges and ex-judges of the Supreme Court of Ohio are ex-officio members of this Association. I. Rep., 17.

All judges and ex-judges of the United States Courts, who are members of the Ohio bar, are ex-officio members of this Association. VI. Rep., 157.

At each annual meeting of the Association a committee consisting of three members, to be styled the Committee on Railroads and Transportation, shall be appointed by the President of the Association, whose duty it shall be, at least six weeks prior to the next ensuing annual meeting, to negotiate and complete all practicable arrangements for reduced rates of travel to those attending, and through its Chairman, at least four weeks before the annual meeting, advise the Chairman of the Executive Committee and Secretary of the Association of arrangements made, so that the same may be printed in the notices and programmes sent out to members in advance of the meeting. (Adopted from Secretary's Report, July 18, 1889, X. Rep., 121.)

Resolved, That all applications for membership shall be accompanied with the membership fee, and upon default so to do, such application shall be returned without delay to such applicant by the Secretary of the Association or Committee on Admissions. (Adopted by the Association, July 18, 1890, XI. Rep., 124.)

The Twentieth Annual Session

OF

The Ohio State Bar Association,

HELD AT THE

Hotel Victory, Put-In-Bay, Ohio.

First Day, July 11, 1899.

The Twentieth Annual Session of the Ohio State Bar Association met at the Hotel Victory, Put-in-Bay Island, on Tuesday, July 11, 1899, at 2:30 P. M., and was called to order by the Chairman of the Executive Committee, Hon. Newell D. Tibbals, of Akron, Ohio.

Mr. Tibbals: *Gentlemen of the Ohio State Bar Association:* The hour has arrived for the opening of our exercises for the present session. It is my pleasant duty to call to order one of the ablest and best bodies of men who are accustomed to assembling in the State of Ohio. I think the Executive Committee can congratulate the President and the members of the Association upon this attendance. We have aimed to secure a large presence, and have reasonably well succeeded. We have aimed to secure a large additional membership of the Association, and I think the result will show that we have been successful.

The gentleman who is now to address you needs no introduction to the lawyers or courts or people of the State of Ohio. With great pleasure I present to you your President, Virgil P. Kline. (Applause.)

The President now assumed the chair, and delivered an address. (See Appendix I.)

Upon the conclusion of his address, President Kline called for the Report of Committee on Admission and Election of Members.

Mr. E. B. Dillon, of Columbus, Chairman of said Committee, presented the following report:

Report of Committee on Admissions and Elections.

PUT-IN-BAY, O., July 11, 1899.

To the Ohio State Bar Association:

Mr. President and Gentlemen: Your Committee on Admissions and Elections submit the following report:

After careful investigation, we recommend for new members the following named attorneys, and move that, upon payment of the admission fee of $2.00, they be enrolled as members of this Association, viz.:

Samuel G. Osborn, High and State Sts., Columbus, O.

L. W. Ellenwood, Marietta, O.

Edmund E. Tanner, 119½ S. High St., Columbus, O.

J. Schlessinger, 119½ S. High St., Columbus, O.

C. T. Warner, 119½ S. High St., Columbus, O.

Clayton E. Blue, 119½ S. High St., Columbus, O.

C. D. Saviers, 119½ S. High St., Columbus, O.

W. R. Hare, Upper Sandusky, O.

L. B. Reed, Nevada, O.

T. D. Lanker, Upper Sandusky, O.

Fred C. Rector, West Gay Street, Columbus, O.

Fred. J. Flagg, 318 Valentine Bldg., Toledo, O.
Ashton H. Coldham, 304 Valentine Bldg., Toledo, O.
Wm. B. Ramsey, 605 Gardner Bldg., Toledo, O.
Chas. E. Longwell, 605 Gardner Bldg., Toledo, O.
Chas. E. Chittenden, Drummond Bldg., Toledo, O.
Chas. K. Friedman, Toledo, O.
J. W. Seymour, Medina, O.
M. R. Braily, Valentine Building, Toledo, O.
Geo. A. Bassett, Toledo, O.
J. H. Goeke, Wapakoneta, O.
S. L. Wicoff, Sidney, O.
E. V. Moore, Sidney, O.
E. L. Hoskins, Sidney, O.
Chas. C. Marshall, Sidney, O.
W. H. Bowers, Mansfield, O.
Edward E. Cole, Board of Trade, Columbus, O.
J. F. Ward, Board of Trade, Columbus, O.
Benjamin Woodbury, Hayden Bldg., Columbus, O.
B. L. Bargar, Hayden Building, Columbus, O.
Eugene Lane, Hayden Building, Columbus, O.
Ulric Sloane, Wyandotte Building, Columbus, O.
Chas. I. Stouffer, Wyandotte Bldg., Columbus, O.
Frank W. Merrick, Wyandotte Bldg., Columbus, O.
Herbert E. Bradley, Columbus, O.
Harry F. Brand, King Building, Columbus, O.
Geo. B. Okey, 105½ S. High St., Columbus, O.
Jas. A. Allen, 105½ S. High St., Columbus, O.
Emmett Tompkins, Wyandotte Bldg., Columbus, O.
S. A. Webb, Dispatch Building, Columbus, O.
Harry A. Clarke, Dispatch Building, Columbus, O.
L. A. Magruder, Dispatch Building, Columbus, O.
Henry Gumble, Eberly Block, Columbus, O.
E. C. Irvine, Spahr Building, Columbus, O.
Geo. W. Bope, 105½ S High St., Columbus, O.
F. M. Stevens, Elyria, O.

Oscar W. Kuhn, 519 Main St., Cincinnati, O.
Rollin F. Crider, Hayden Building, Columbus, O.
Chas. A. Field, 9 S. High St., Columbus, O.
Barton Griffith, Spahr Building, Columbus, O.
Thos. E. Powell, Board of Trade, Columbus, O.
C. C. Clouse, Wyandotte Building, Columbus, O.
Thomas M. Bigger, Court House, Columbus, O.
George R. Hedges, Hayden Building, Columbus. O.
Theodore M. Livesay, King Building, Columbus, O.
James M. Butler, City Hall, Columbus, O.
Edward D. Howard, Wyandotte Bldg., Columbus, O.
W. Z. Davis, Marion, O.
Chas. H. Keating, Mansfield, O.
C. H. Workman, Mansfield, O.
Frank I. Brown, care of Supreme Court, Columbus, O.
Ferd. H. Heywood, Spahr Bldg, Columbus, O.
N. G. Johnston, Defiance, O.
T. T. Ansberry, Defiance, O.
D. E. Dozer, Defiance, O.
Jas. E. Coulter, Hicksville, O.
H. G. Baker, Defiance, O.
B. F. Enos, Defiance, O.
Frank Heath, Medina, O.
Peter J. Blosser, Chillicothe, O.
John A. Poland, Chillicothe, O.
James R. Carey, Salem, O.
Warren W. Hole, Salem, O.
David B. Day, Canton, O.
Lewis P. Metzger, Salem, O.
Chas. Gerhardt, Circleville, O.
E. A. Brown, Circleville, O.
Ellsworth M. Beard, Toledo, O.
Ulysses G. Denman, Toledo, O.

C. F. Watts, Toledo, O.
Clarence Brown, Toledo, O.
Henry H. Waite, Valentine Building, Toledo, O.
Robert Tucker, Produce Exchange, Toledo, O.
Alexander Kiskadden, Tiffin, O.
Willis Bacon, Tiffin, O.
Harry P. Black, Tiffin, O.
Charles L. Guernsey, Fostoria, O.
James H. Platt, Tiffin, O.
Warren Noble Groff, Tiffin, O.
George C. Blankner, Columbus, O.
William McE. Weldon, Mansfield, O.
Edmund F. Arras, Columbus, O.
G. W. Risser, Ottawa, O.
George D. Simmons, Hicksville, O.
L. E. Griffin, Hicksville, O.
J. D. Clark, Dayton, O.
A. S. Krausenfky, Tiffin, O.
H. M. Cole, Greenville, O.
Frank T. Dore, Tiffin, O.
J. H. Mackey, Cambridge, O.
Artemas B. Johnson, Kenton, O.
William J. Piero, Canton, O.
Frederick C. Howe, Cleveland, O.
George Fritz, Ottawa, O.
A. McL. Marshall, Dayton, O.
Ira C. Tabor, Toledo, O.
John McGregor, Jr., Cleveland, O.
James J. Hogan, Cleveland, O.
A. F. Ingersol, Cleveland, O.
Otho Carleton Snider, Cleveland, O.
Thomas A. McCaslin, Cleveland, O.
Harrison B. McGraw, Cleveland, O.
S. Prentiss Baldwin, Cleveland, O.
Wm. G. Phase, Cleveland, O.

Frederick A. Henry, Cleveland, O.
Louis H. Winch, Cleveland, O.
W. T. Gibson, Youngstown, O.
Chas. R. Miller, Canton, O.
W. Oliver Wise, Akron, O.
J. T. Siddall, Ravenna, O.
Ferdinand Jelke, Jr., Cincinnati, O.
A. C. Cassatt, Cincinnati, O.
Robert P. Hargitt, Cincinnati, O.
Harry L. Gordon, Cincinnati, O.
David L. Marvin, Akron, O.

And further your Committee recommend the reinstatement, upon the same conditions, of the following named attorneys, viz.:

George E. Schroth, Tiffin, O.
E. D. Kinkead, Columbus, O.
George H. Beckwith, Toledo, O.
Curtis T. Johnson, Toledo, O.
John McSweeney, Worcester, O.
William H. Dore, Tiffin, O.
J. W. Halfhill, Lima, O.

Respectfully submitted,

E. B. DILLON,
Chairman.

It was moved and seconded that the report be adopted.

L. H. Pike, Toledo: Will you allow me to submit to you the following section of the Constitution. I leave it for you to decide whether the motion can be adopted. There are admittedly some thirty or forty whose fees do not accompany the petition; and in some instances an insufficient amount accompanies it. They are marked on the list. The sections I refer to of the Constitution are as follows: (Mr. Pike here read Sec-

tions 3 and 4 of the Constitution.) It has been heretofore, Mr. President, always understood and practiced that the dues must accompany the application. In this case out of one hundred and thirty names at least one-third do not send their fees with the application.

The President: What proportion of the dues accompany these applications?

Mr. E. B. Dillon: About one-half.

Mr. L. H. Pike: The question is whether they can be elected notwithstanding the resolution that has been moved and seconded.

The President: I am not familiar with the provision of the Constitution except as you have read it to me. It would seem to me to be explicit that the tender of name must be accompanied with the fee. Has this question never been before the Association previously?

Mr. R. D. Marshall, Dayton: I think in the reading of the report of the Committee upon Nominations that language something like this was used: "On payment of dues." Now I may not recall it correctly, and, therefore, would ask for the reading of that portion referring to that.

Mr. E. B. Dillon: "We recommend for new members the following named attorneys; and move that, upon payment of the admission fee of two dollars ($2), they be enrolled as members of this Association." There is no provision in the Constitution which says that the two dollars must be with the application; simply that they shall not be enrolled until the fee has been paid.

Mr. R. D. Marshall: Therefore, Mr. President, I propose this amendment to the report of the Committee on Admissions and Election of Members: "Provided that no election shall be complete, nor shall the names

be enrolled, until the dues are deposited with the Treasurer, as provided by the Constitution."

Mr. E. B. Dillon: We accept the amendment, Mr. President.

The question was put on the motion as amended, and unanimously carried.

The President called for the report of the Secretary, Mr. H. A. Mykrantz, of Ashland, which is as follows:

Secretary's Report.

ASHLAND, O., July 10, 1899.

Mr. Chairman and Gentlemen: While this Association, at its last annual meeting, gave expression that no report was necessary or called for by the Constitution from the Secretary, further than the printed report of the proceedings which you all receive, yet the Executive Committee, in arranging the program, has called for a report from the Secretary.

I shall endeavor to comply with the request, bearing in mind the criticisms that were made upon the report of my predecessor at the annual meeting in 1897, that the suggestions of the Secretary should relate only to the routine duties of the office; and also bearing in mind that at the last annual meeting my predecessor asked that the Constitution be amended so that the Secretary be permitted, and that it be made his duty to bring before this Association, by way of report, such matters as might come to his attention, which he deemed would be of interest to and for the good of the Association, and that no action was taken by the Association upon this request.

During the past year the proceedings of our last meeting have been printed and bound into a book of 250 pages, designated as "Vol. XIX of Reports of the

Ohio State Bar Association." Copies of said volume have been sent respectively to the members of this Association, to each of the State Libraries and Public Law Libraries in the United States, and to each one of the Bar Associations of the different States. Several of the States and Territories not having a State Bar Association have asked for copies of our reports, to be used as a guide in the formation of new Associations; and I have complied with their requests wherever the number of copies of any particular volume on hand wanted would permit.

Of the reports now on hand, as to only a few of the volumes are there a sufficient number on hand bound in cloth; and it would seem that we should have at least a limited number of each volume so bound. I would, therefore, recommend such action.

We have been unable to obtain a copy of Vol. III, and would request that if any member has a copy of this volume which he will part with, that he furnish it to the Association, that a complete set may be retained by the Secretary for reference.

If the Association does not desire to have more of the volumes now on hand bound in cloth, one full set, at least, should be so bound, and preserved as the property of this Association.

At the close of our last annual meeting we had 474 regular members, and twenty-six members ex-officio. Many new members have been added to our membership list, as shown by the report of the Committee on Admissions and Elections, and your action thereon. The work of securing new members has been given especial attention. This Committee, especially the Chairman, Mr. Dillon, deserve the thanks of this Association for their good service.

The Secretary has, at the request of the several Committees, sent out such communications to the members of this Association, and to the members of the bar in the State, as was desired by the several Committees.

The work pertaining to the office of Secretary has been carried on in the usual attentive and careful manner, and I trust to the satisfaction of all members.

Whatever expenses have been incurred by the Secretary have been adjusted by order of the Executive Committee, within the province of whose authority such matters fall.

Respectfully submitted,

H. A. MYKRANTZ,
Secretary.

On motion, the report was received and placed on file.

The President called for the report of the Treasurer, Mr. L. H. Pike, of Toledo, which was read by him, as follows:

Treasurer's Report.

PUT-IN-BAY, OHIO, July 11, 1899.

To the Ohio State Bar Association:

Mr. President and Gentlemen: I beg leave to submit to you my Twelfth Annual Report as Treasurer. I feel gratified to be able to state that the membership, and the balance of cash receipts over expenditures, have slightly increased over the previous year; although it is a fact that many members fail to appreciate how much their neglect to pay the dues at the proper time adds to the labors of the Treasurer, as well as to the expense of the Association in making collection of the small amounts of dues.

The following is the financial part of the report, viz.:

DEBITS.

To balance on hand from last report	$ 596.11
To cash from 68 admission fees	136.00
To dues from 19 reinstated members	107.00
To dues from 77 members during last session	176.00
To dues from 158 members since adjournment	371.00
To from Winchester Fitch (extra report)	1.00
Interest on special deposits	12.50
	$ 1,399.61

CREDITS.

By cash paid to Secretary on order of Ex. Com.	$ 136.25
By cash paid to Chairman of Executive Committee for entertainment of ladies	29.00
By same for hotel bill for same ladies	15.25
By hotel and other expenses of Judge Hammond and lady	12.75
By two telegrams.	75
By telegram by President to Judge Dillon	1.35
By S. M. Johnson, Com. Judicial Administration	23.85
By J. N. VanDeman, same committee, expenses	20.50
By packing, porterage and expressage of books from Put-in-Bay to Toledo	.60
By Treasurer's clerical expenses	75.00
By C. C. Cooper, stenographer	82.84
By postage, postal cards and revenue stamps	5.80
By 100 postal card receipts	1.50
By The Laning Printing Co	295.50
By Ashland Press	4.00
By collecting checks on inland banks	.50

By postage, stamps and stationery - - - - -	$1.97
By expressage on books to Put-in-Bay - - - - -	.35
By 5 blocks of receipt books - - - - - - - -	2.25
By 300 envelopes and other stationery - - - -	1.25
Balance on deposit and in hands of Treasurer	688.38
	$1,399.61

Although the Treasurer has sent out more than 360 statements in the endeavor to collect the dues, he has not received remittances from more than 158 members. Quite a large number are still delinquent for their dues for 1898 and previous years.

Respectfully submitted,

L. H. PIKE, Treas.

Examined and approved by the Executive Committee.

N. D. TIBBALS, Chairman.
JAMES O. TROUP, Secy.

Mr. L. H. Pike: I will say that while this great balance does not indicate great prosperity, there has been received already at the beginning of this session several hundred dollars for dues and admissions. I will ask that the Secretary please read the indorsement by the Executive Committee on this report.

The Secretary read the following: "Examined and approved by the Executive Committee. (Signed) N. D. Tibbals, Chairman; James O. Troup, Secy."

On motion, the Treasurer's report was received, approved and placed on file.

The President called for, as next in order, Reports of Standing Committees: First, Executive Committee.

N. D. Tibbals, Chairman of that Committee, reported as follows:

N. D. Tibbals: The Executive Committee, Mr. President, have no especial report to make. We have engaged during the year in the routine business of the Association. The Committee held in the winter and spring three meetings at Columbus; the fourth one at this place last evening. There was quite a full attendance of members of the Committee from different parts of the State.

I think there are some sections from which Executive Committee members do not report. We have considered every matter that was brought up before us by other committees, such as the publication which has been furnished to the several members of the action of the Committee on Judicial Administration and Legal Reform, and all other matters pertaining to increasing the membership in the Association. The Committee think that a new system, possibly an improved one, can be had with reference to expenses, a competitive system of securing the printing of our Report. I think we can get it done at less expense than it has been done heretofore. The Committee will simply say that we believe the Association ought to become more active through its committees and through the local organizations in the State. We have full faith that much profitable legislation can be secured through the officers of this Association if they were more active in presenting needed legislation to the Legislature of the State.

The President: I presume no formal action is needed with respect to the Report of the Executive Committee. Unless there are some observations to be made with respect to it, I will call next for the Report of the Committee on Judicial Administration and Legal Reform.

Mr. J. J. Moore, of Ottawa, Chairman of said Committee reported as follows: Mr. President: the Committee on Judicial Administration and Legal Reform has had its report printed. I don't think it will be necessary to read it, as copies have been furnished to all members of the Association, and the recommendations therein must lie over until tomorrow before any action can be taken upon them.

The Committee was called together about the first of May, but at that time we failed to have an attendance of one-half of the members of the Committee. We had under consideration some matters which were referred to the Committee at the last meeting of the Association, and we outlined what we thought it would be necessary to include in our Report. I then called a meeting of the Committee for yesterday evening at this place, but the members failed to attend, and I present as their report that which, as stated, has been printed and submitted. I have conversed with most of the members, and they approve of what we have so reported. All I desire to say is, as I said before, it will not be necessary to read this report in full, as it will lay over until tomorrow for the action of the convention.

President Kline called next for the Report of the Committee on Legal Education, and asked if the Chairman of said Committee was present and ready to report.

Mr. Gustavus H. Wald, Chairman, reported as follows: Mr. President: I beg to report that there has been no meeting of the Committee on Legal Education, of which I have the honor to be Chairman. After consultation with the Secretary we came to the conclusion that a meeting could not be profitably called. Our predecessors upon this committee have succeeded in securing legislation, and establishing rules by the Supreme

Court regulating admission to practice at the bar in this State of a standard considerably higher than has prevailed hitherto—a standard at which some portion of the community is still grumbling, and we thought it wise, all the circumstances considered, to allow the matter to rest for the present, until the entire community has grown up to the present standard before we attempt any further advance.

The President: The next thing in order is the Report of the Committee on Grievances. Is the Chairman of that Committee present? If not, we will pass to the next, the Committee on Legal Biography.

Mr. S. H. Harris, of Bucyrus, Chairman of the Committee on Legal Biography, reported as follows: Mr. President: I have an informal report to make, like the committees that have preceded me. We have not had a formal meeting of the Committee, and what little I shall report will require no action by the Association. Since the organization of our Association, there have been but two chairmen of this committee. The first was J. E. Ingersoll, of Cleveland. Some ten or twelve years ago I became his successor, and so have remained ever since.

We have the autobiographies of four hundred and forty members, bound in a rude way, pasted in this book that I now exhibit to the Association. Two hundred and eighty-four of these autobiographies I collected myself since I have been Chairman of the Committee.

Fortunately and providentially there have been but few deaths since our last meeting among the membership of our Association. The mortality has been less than during any previous year. Those that have occurred, have been, some of them, quite recent, of two of whom the autobiographies are in this volume.

From two or three of them no autobiographies were ever received.

Among the dead is John S. Leedom, of Urbana, Ohio, who died April 20, 1899, at the age of seventy-three years. We hope that some friend of the decedent will prepare a biography so that we may be able to present one by another meeting. Notice of his death was received, but for reasons stated I am unable to report any biography. I understand that there is a gentleman attending who will, before this meeting adjourns, present at least the resolutions that were passed in regard to him by the local Bar Association of his county.

William Lawrence died May 8, 1899, at the age of eighty years. His biography is to be found in this volume on page 246. He was well known of course to all our profession, being one of the oldest practitioners in the State.

David A. Allen, of Newark, died suddenly as a result of an accident received in a runaway. He was killed under very sad circumstances, as I understand.

So far as I can ascertain there is no autobiography of recently elected members, and I don't find his autobiography in this volume; but before the Association adjourns we hope to hear some remarks in regard to him by his friend and associate, Mr. Edward Kibler, of Newark.

Judge Manning F. Force, of Sandusky, died at the Soldier's Home in that city on May 8th of this year, I believe. I don't find any autobiography of him. I presume some gentleman from the Bar of Cincinnati, where he presided as Judge and from where he went and did good service for our country in the army as a General, will furnish us with some memorial in regard to him that may go into the record.

The last that I have to report is the death of Stephen A. Northway, of Jefferson, a member of Congress from the Ashtabula District. I don't find his autobiography, but he was a well known and able member of our profession. We hope to have his biography at the next meeting.

I desire to call the attention of all members, who have not furnished the Committee with their autobiographies, to the fact that blanks are here for that purpose, and they are requested to procure the same and fill them out at their leisure, and file them with me, or whoever may be my successor. This will greatly facilitate the work of keeping the legal biography of members of the Association.

I have a record on the files of the older members to the number of nearly five hundred. The book will be on view here at any time throughout the session, and may be found on the table where any one who desires to peruse it can do so. I will endeavor before another year to send blanks to such members as are not present this session, whose autobiographies have not been filed, in order that by that time we may have the autobiography of every member of our Association. That is all the report I have to make at present.

Gilbert D. Munson, Zanesville: Mr. President, before this subject is closed, I would like to say in behalf of the memorial for Judge Force, that I understand a very complete memorial covering his services as a Judge, where he practiced in Cincinnati, has been prepared by the Bar or a Committee of the Bar of that city; I would suggest that that memorial be spread upon the minutes here. He was well known there. That Committee which has prepared the report had all the data, and I doubt not it was very full and complete.

The President: That seems a very pertinent suggestion, and if there is no objection, I would say that we order that to be done.

I notice on this programme there appears as the next order of business, "Report of Special Committees." The only Special Committee I see noted in the record is Committee on Railroads and Transportation, of which our friend Mr. Marshall is Chairman.

R. D. Marshall, of Dayton: Mr. President: This Association made a mistake that they very seldom do, by placing me on the Committee on Transportation for three or four different years. I made efforts to succeed in getting a reduction in rates, but owing to the fact that there was a special rate to Put-in-Bay –it being a summer resort—I failed in getting anything below the special rates until this last year; and in order that future committees may have the benefit of my experience, I will relate it. I first took it up with some of the roads, that is the Passenger Traffic Departments of the Pennsylvania, Big Four, C., H. & D., Norfolk & Western, The Hocking Valley, the B. & O., and the B. & O. Southwestern, and they co-operated with me each and all of them faithfully, but not as efficiently as I hoped they would. That is, they didn't succeed. I then took the matter up a second time with the Traffic Association, these parties aiding me, and said to them that owing to the official relation that I had with railroads, that if I failed the members of the Bar Association would have a right to presume that I had not faithfully and energetically tried to accomplish the purpose of this Committee, and I would think that they might properly and rightfully take it as a sort of reflection upon the Committee if I didn't succeed; and yet that was not quite sufficient. But I reached with this last. The roads which I have named said that I

had about over-persuaded them, and notwithstanding the fact that the Central Traffic Association had refused to offer it, if I would take the ignominy and blame, they would assume the responsibility of making a half rate on their lines and lines that would co-operate with them. The last appeal that I made was this: I stated to this Traffic Association that if they didn't consent to it, I would cause or attempt to bring about the publication of the roads that would agree to it, and in addition to that I would promise them that hereafter I would not be a party, or be on the Committee on Railroads & Transportation--and that broke them down! (Applause.) And they yielded, and they gave us a half fare rate; and if there is any member that didn't get it, I am inclined to think it is his own fault. I agreed further than that, that if any member coming to this Association should make an offer to get the rate and it be refused him, that there would be a little bit of that which we read about the lake, you know, where things would be a little warm---would be created; that the treasurer of the railroad who took more than a half fare rate for the round trip would be coerced to pay the overcharge back and if he refused a proceeding in quo warranto would be commenced; therefore, upon those declarations being backed up by these lines I have spoken of, I got the rates, and I hope the members have been benefited thereby. My only regret was that there were not more of them to be benefited.

The President: That report would indicate that you had better be continued on that committee. The next Special Committee is that on Corporations, consisting of J. T. Brooks, G. H. Wald and Gilbert D. Munson. Is that Committee ready to report?

Mr. Gustavus H. Wald, of Cincinnati: Our Chairman, Mr. Brooks, reported to the other members of the

Committee, Judge Munson and myself, that he would be unable to do anything with reference to the work of the Committee, and would be unable to attend the meeting of the Association; but he would be very glad to have us do something. Judge Munson and myself endeavored to do something, but we have been unable to accomplish anything whatsoever, inasmuch as each of us voted for the other as Chairman of the Committee, and in Mr. Brooks' absence we were unable to hold an election; and in addition to that we were unable to agree upon any report. In deference to Judge Munson's seniority, both in years, and in service to the profession, and in position, I insist that his report shall be considered the majority report and mine the minority report; and I shall be ready to read my minority report after Judge Munson has read the majority report.

Mr. Gilbert D. Munson, of Zanesville: The suggestion or measure proposed for adoption by this Association by the Committee on Judicial Administration and Legal Reform, was in brief: "That the laws providing for the creation of corporations be so amended that they be required to subscribe and pay the authorized capital stock in full before doing business, either in money or its equivalent, and the equivalent to be determined by an official investigation." Now I report in favor of the adoption of the suggestion of our Committee on Judicial Administration and Legal Reform. It might perhaps be becoming on my part to now take my seat, because that is the report so far as I am able to give it briefly; yet I might be permitted to say that it seems to me that it is due to the Committee itself that this report should be adopted. The Committee on Judicial Administration and Legal Reform gave to the matter their mature reflection and careful consideration. The Chairman of the Committee that reported

this measure as it now stands was none other than Judge Shauck; and in the report which he made recommending the adoption of this measure at the last meeting of our Association, he set out so fully and beautifully the reason why the measure should be recommended to the Legislature, that I could hardly say anything more which would be potential in addition to what was said there. But I may say, Mr. President, that this matter has been before the Association for four years. Some measure calculated to bring about the amendment of the laws creating corporations was first suggested, I think, four years ago by the Hon. Warner M. Bateman, now deceased. After that at least two presidents of our Association recommended the amendment of the law; so that if for no other reason than the fact that it has been advocated for such a length of time, I think the report of our Committee should be favorable to recommending this particular suggestion to the legislature for their action. But an examination of the law itself, I think, would convince any of us, if not already convinced, that the law should be amended. The law is familiar to the members of this Association, and they are fully cognizant of its defects and with the reasons why the measure has not been summarily dealt with long ago. Certainly, if our brethren had believed that the law should not be amended, the subject would have been summarily dismissed from this Association. The very fact that it has been kept before us for such a long time does not indicate to my mind that action should not be taken upon this measure, but on the contrary it simply indicates the importance of the subject; and that we, being conservative as we are, desire that when the amendment is made, that it shall be an efficient amendment. I may say that during the entire time that this subject has been before the Association

no voice of any member has been raised against this amendment. I think that is a very pertinent fact, going to show the necessity for some action now on this suggestion. Certainly an examination, as I was saying, of the law itself will show such to be the case, because, as we recall it, the provision is that upon subscribing the stock to a private corporation for gain, ten per cent. of the capital stock authorized shall be "payable" —not paid---nothing is in the law, requiring a dollar to be paid on the subscription of the stock. Then, after the directors are chosen, the provision is the "residue" of the stock shall be paid—there the word "paid" is used--but at such time and place as the directors may determine. It seems to me now that that is a very loose provision. I have examined provisions relating to corporations of perhaps all the states. The laws regarding the matter are almost as various in number as the number of states, I was about to say; yet the two leading states of our Union in wealth and mercantile importance, I may say the leaders in legal thought and method---New York and Massachusetts---require the payment to be made in cash; and I have never yet found a gentleman of the bar who has been able to give a reason why, when a corporation is authorized to issue one hundred thousand dollars' worth of stock, it takes particular pains to advertise the one hundred thousand dollars stock authorized yet at the same time takes great care to pay in, say five thousand dollars only. Now, why is that done except to deceive?

The President: Judge, wouldn't your discussion be more properly in order on a motion to adopt your report?

Judge Munson: I don't know but it would, Mr. President. I said in the beginning that I didn't want

to burden this Association with remarks, but I was very kindly, tacitly at least, invited to go on.

The President: It is very agreeable. I would ask if the majority report is in writing?

Judge Munson: No, sir.

The President: Now, if there is a minority report, we will hear it.

Mr. Gustavus H. Wald: The resolution or recommendation in question is as follows: "That the laws providing for the creation of corporations be so amended that before a corporation is authorized to transact any business, the entire amount of its authorized capital stock shall be subscribed and fully paid in, either in money or its equivalent, and that there shall be an official investigation to determine that all property used in payment for stock is taken by the corporation at not more than its market value." That is the recommendation which the Committee on Judicial Administration and Legal Reform made last year and referred to this special Committee, and upon that I beg to submit a written report as follows:

Minority Report of Sub-Committee on Corporations of Committee on Judicial Administration and Legal Reform.

The question involved in the recommendation referred to our Committee is one of governmental policy, rather than of law, and, therefore, not within the proper province of this Association; one eminently proper for discussion and action by the legislature, but not by us. The attitude of the various states in regard to it is exhibited in their respective statutes on the subject. These statutes, regulating the creation

of corporations in respect of their capital stock, have been carefully collated by Mr. Cook, and can be found in Vol. 3 of his work on Stockholders, secs. 946-1003, inclusive, covering 299 pages. They exhibit great variety in their provisions, according as it is the policy of the particular state to encourage or discourage the multiplication of corporate enterprises. The proposed amendment is the outgrowth of a paper read by the late Warner M. Bateman before the Association in 1895. (Proceedings, Vol. 16, pp. 149-169. See remarks of Mr. Laning, Vol. 19, p. 96, and of Judge Munson, id., p. 97.) Whether or no it is the purpose, the result of the proposed amendment, if enacted into law, will certainly be to diminish or restrict Ohio corporations; with this consequence, that persons seeking to be incorporated for the purpose of doing business in Ohio will simply go for their charters to other states having less restrictive laws. To be thoroughly effective, therefore, the proposed amendment should be supplemented by a provision excluding foreign corporations from the State. This was recognized by Mr. Bateman in his paper (Vol. 16, at pp. 167-168) who maintained (at p. 168) that "The organization of State industries into corporations, by its own citizens, under foreign laws, should be prohibited." Upon the constitutional aspect of this proposition it is unnecessary now to enter. He maintained, indeed, that private corporations for profit ought not to be allowed to exist at all; for he recommended (Vol. 16, p. 168, and see at p. 166) legislation providing "That the stockholders of all corporations for profit organized for the conduct of private business, in the sole interests of the stockholders, shall be liable for the whole amount of its indebtedness, over and above its capital and assets." Inasmuch as at common law a partnership may consist of ever so large a number

of persons, and "its capital stock be divided into shares, which by the articles of association are made transferable on the books of the Company" (McFadden v. Leeka, 48 O. S., 513, 526) this would leave all private corporations—though perhaps not technically, yet for all practical purposes---mere partnerships; it would nullify the very purposes for which corporations were invented. Now, whether corporations ought or ought not to have been invented, whether their invention has proved beneficial or otherwise for mankind, may possibly be a debatable question, but this is not the forum for its discussion; the question is one of economics, not of law. The recommendation referred to us for report does not, it is true, go quite or nearly so far as Mr. Bateman wished to go, but it is equally open to the objection that it concerns not a question of law, but of governmental policy.

Whether the multiplication of corporations shall be encouraged or discouraged, whether corporate capital shall be invited or repelled, whether foreign corporations shall or shall not be allowed to do business here; whether our citizens shall be allowed to form corporations under the laws of sister states, whether domestic corporations shall be allowed to transact business unless and until all or a fixed part of the capital has been paid in; whether payment shall be allowed in any other medium than money, and if so, whether when the payment is in something other than money the transaction shall be under state supervision and sanction, as is here proposed (and as is the rule in Massachusetts, Mass. Genl. Stat.,1882, Ch. 106, secs. 46-7-8) or shall only be required to be spread upon a record open to public inspection, leaving the citizen to take care of his own affairs and interests (as is the rule in England, 30-31 Vict. c. 131, s. 25); or shall be regulated in any of the

many ways thought desirable in the conflicting legislation of the different states, are all questions of governmental policy and not of law. According as one is more or less in favor of individualism or collectivism, according as he is of one school of economics or another, according as he holds one theory or another of the functions of government, will his views upon them be.

Upon these questions, precisely as upon a proposed law concerning a single standard of money, concerning a tariff for revenue, or for protection, or a law prohibiting trusts, or creating or regulating charitable institutions, prohibiting the sale of cigarettes, permitting or forbidding the manufacture or sale of intoxicating liquors, providing for the municipal ownership of public utilities, or a tax law embodying the theories of Henry George, we would vote as individual citizens, each according to his views as such, not in his professional capacity as a lawyer. I submit, therefore, that the matter is one not within the province of the Association.

It is no answer to this position to say that one of the purposes of our Association, as stated in our Constitution, is "to promote reform in the law," and that as we now have a "law" concerning the creation of corporations, the question of its reform is one proper for our consideration. The same contention would be equally applicable in respect of existing laws concerning the standard of money, the tariff, trusts, charitable institutions, the traffic in liquors, or cigarettes, the municipal ownership of public utilities, or the methods of taxation. There is, perhaps, no word in our language which is used in more different senses than the word "law." As used in our Constitution, I believe it

Cf. Dillon, The Laws & Jurisprudence of England and America, p. 8.

to mean that science, the practice of which, as an art, is the work of our profession; not in the sense in which "law" is the subject matter of the science and art of government.

As used in the resolution proposed, it falls within the ambit not of the former, but of the latter sense of the term.

Respectfully submitted,

GUSTAVUS H. WALD.

Mr. G. D. Munson: It seems to me that the answer to my friend's objection is to point to the constitutional provision, that the object of our Association is "To promote reform in the law;" if this legislation regarding the creation of corporations is the law of our land, it is more than a mere governmental policy. I can well see how, if the question was simply and only as to the policy of driving private corporations from the State of Ohio, that that matter might be relegated to the Legislature without advice from lawyers; but even then I am free to say that I think the lawyer is best calculated to advise the legislator as to that matter; and I have only need to cite the remarks that you, Mr. President, so eloquently made in your very recent address, in support of what I have said. Certainly the lawyer, of all men, is the legal adviser of the legislator. I may say in a word that if this position is not correct, if this is not a matter for the action of this Association, then everything this Association has done from the beginning of its existence, in 1881, down until last year, has been, it seems to me, futile and irregular and improper, under the proposition made by my friend; but even if he were right, this Association has taken jurisdiction of this question, and we cannot avoid voting upon it, cannot do our duty as members of the

Association unless we consider it and vote upon it; because the Committee, which is the wheel around which all other wheels of this Association revolve, and which is the life of the Association—The Committee on Judicial Administration and Legal Reform---has formulated this proposition and has recommended its passage. It has been referred to us as a special Committee; and now, we not being able to agree in this report, refer it back to the house, to this Association, for determination.

J. J. Moore, of Ottawa: Will you give way for a moment?

Judge Munson: Yes.

Mr. J. J. Moore: This matter bears upon a very important question, and has been discussed at various times by the Association; and I move that it be postponed until tomorrow afternoon after the address of Judge Owen, when we will have a fuller attendance.

The motion was seconded by Judge Tibbals.

The President: Very well, if there is no objection it will be taken up immediately after the address of Judge Owen.

N. D. Tibbals: If there is nothing else to come up just at present, the call of Judicial Districts for names of deceased members is now in order. I make this suggestion, that if we are to have any remarks upon deceased members, that we postpone that until after we have a fuller representation of the Association present. It is exceedingly warm and our brethren have got out to seek cooler places.

Mr. G. D. Munson: I think it has been the custom to postpone that.

The President: Then if there is nothing further before the house, a motion to adjourn will be in order.

The Secretary: Mr. Chairman, before the adjournment, I desire to announce that I wish to organize sometime tomorrow the Standing Committees, and would request the members from each district, if possible, to meet this afternoon in caucus and report the names of members from their respective districts for Vice-President for each district, and a member from each district respectively for the following committees, viz: Executive Committee, Committee on Judicial Administration and Legal Reform, Committee on Admissions and Elections, Committee on Legal Education, Committee on Grievances, Committee on Legal Biography, and Committee on Nomination of Officers. I have prepared printed blanks which I will hand to one member from each district and throw all the burden on him of seeing that all the members from his district get together to make these nominations and submit them. I would ask that one member from each district call upon me for one of these blanks and use it.

On motion adjourned until 10:30 A. M. Wednesday, July 12th.

Second Day, Wednesday, July 12, 1899.
Morning Session.

Convention met pursuant to adjournment, and was called to order at 10:45 A. M., President Kline in the chair.

E. P. Dillon, Columbus: Mr. President, if in order, the Committee on Admission and Election of Members d sires now to present a supplemental report for the purpose of permitting new members who may be admitted and who are present to take part in these discussions, viz:

Supplemental Report of the Committee on Admissions and Elections.

PUT-IN-BAY, July 12, 1899.

To the Ohio State Bar Association:

Gentlemen: Your Committee on Admissions and Elections supplements its original report by recommending the admission to membership of the following Attorneys on like conditions stipulated in original report, viz.:

F. N. Wilcox, Cleveland, O.
Willis Vickery, Cleveland, O.
John Pollock, St. Clairsville, O.
A. W. Kennon, St. Clairsville, O.
Isaac H. Gaston, St. Clairsville, O.
Daniel H. Milligan, St. Clairsville, O.
Anthony W. Taylor, Salem, O.
W. R. Alban, Steubenville, O.
Harrison Wilson, Sidney, O.
Chas. B. Solders, Cleveland, O.
T. J. Abernethy, Circleville, O.
Chas. Krichbaum, Canton, O.
D. W. Locke, Bucyrus, O.
T. T. McCarty, Canton, O.
James Mathers, Cleveland, O.
Chas. A. Ludey, Marietta, O.
A. W. Lewis, Galion, O.
Charles C. Upham, Canton, O.

Your Committee further recommend that the following be re-instated, to-wit:

Dayton A. Doyle, Akron, O.
M. C. Reed, Hudson, O.

Respectfully submitted,

E. B. DILLON.

It was moved and seconded that the supplemental report be adopted.

The President: Does this action constitute the admission of the applicants to membership; if not, how must the vote be cast?

R. D. Marshall: I would move, Mr. President, that the Secretary be authorized to cast the vote of the Association in favor of the election to membership of the attorneys named in the supplemental report just acted on. I would offer that as an amendment to the previous motion.

Amendment seconded by Mr. Jones and unanimously carried.

The Secretary announced the election of the attorneys named in said supplemental report.

The President: Ladies and Gentlemen of the Association, it gives me great pleasure, as I know it will to all of you, that I am now able to introduce to you the Honorable William Wirt Howe, of Louisiana. (Applause.)

Mr. Howe then delivered his address on the "History and Development of Law and Jurisprudence in Spain and the Spanish Colonies." (See Appendix, p. ——.)

The President: Gentlemen of the Bar Association, I desire before we take recess to make a little personal explanation:

Owing to an engagement over which I have no control, and which was made for me some time ago, I am obliged to leave this afternoon. The loss is entirely my own. I thank you most sincerely for the honor that you have conferred upon me in making me President of this Association, and I trust that your deliberations may result in benefit to the Association and to the State, and that you may go home refreshed, in

safety and in good health. (Applause.) I will also state that I have asked, at the suggestion of the Executive Committee, that Mr. J. D. Sullivan should preside over the future deliberations of this convention. (Applause.) If there is nothing further, under the programme, I believe we take a recess until 2:30 P. M.

Adjourned.

Second Day, July 12, 1899—Afternoon Session.

Pursuant to recess the convention was called to order at 2:30 P. M., Mr. John D. Sullivan, of Columbus, Acting President, in the chair.

The Chairman: The afternoon session of the Association will come to order. The first order on the programme is an address from Judge Selwyn N. Owen, of Columbus, his subject being "Court Room Oratory."

Judge Owen needs no introduction to the lawyers of Ohio, and will receive none from my hands other than to present him to you---the Honorable Selwyn N. Owen. (Applause.)

Judge Owen then delivered an address, for which see Appendix, p.—.

R. D. Marshall: Mr. President, allow me to precede the resolution which I am now about to offer by a remark or two, which is called forth by reason of the fact that we allowed the matter to pass this forenoon.

The Honorable William Wirt Howe gave us an excellent address, and impressed upon our minds how the laws of the present were rooted back in the past. How appropriate under present circumstances that address was! I want to say further that the last speaker on the stand I first met over twenty-one years

ago, and I didn't then know why it was that he gave me such a terrible licking at that time, when he read a little circular that my client—an insurance company—had published of general import, and he read it as if he believed every word of it, and not only that, but the worst part of it was that he made the jury believe the same thing! (Applause.) Therefore, I want now to offer a resolution embracing our high appreciation of the address of Hon. William Wirt Howe; and further, to evidence my admission now of the fact of how terribly the last speaker, Judge Selwyn N. Owen, licked me over twenty-one years ago through following out the lines of argument that he has suggested here today.

I move that the thanks of this convention be tendered to both these gentlemen for their very able and excellent addresses on this occasion.

Motion was seconded and carried unanimously by a rising vote.

The Chair: The next business in order is the unfinished business of yesterday.

The Secretary: The matter of memorials to deceased members from the different districts was laid over until this afternoon. I suppose the districts should report.

The Chair: The districts will be called in their order for reports on deceased members.

The First District was called: '

Mr. S. M. Johnson, of Cincinnati: General M. Force has deceased. We will send to the Chairman of the Committee on Legal Biography, his biography taken from the records of the Cincinnati Bar Association.

The Secretary: May I inquire whether there will be a memorial suitable to be placed in our record?

Mr. Johnson: Yes, sir.

The Second, Third, Fourth and Fifth Districts were called.

Mr. Edward Kibler, of Newark: I think the Committee has already been advised of the death of David A. Allen. He was killed in an accident within a few days after his return from the last meeting of the Bar Association. I am not prepared, neither is any member of the Association present, to deliver any address or even a short oration upon the subject of the life and professional prominence of Judge Allen; but with leave of the convention we will arrange to supply a brief memorial to Judge Allen and have it placed upon the record.

The Chair: Without objection, leave will be granted. There being no objection, leave is granted.

The Seventh, Eighth, Ninth and Tenth Districts were then called.

The Secretary: Mr. Chairman, I received a communication, I don't know from whom, but some one has sent us a communication enclosing resolutions adopted by the Bar of Champaign county on the death of John S. Leedom. The note accompanying it simply says this: "We wish this presented to the Ohio State Bar Association, the same to be printed in Report." No name is signed to the request. The resolutions are here, and I would, therefore, move that the resolutons adopted by the Bar of Champaign county be adopted by its Association and printed in the record of this meeting. I will read them if desired.

Mr. R. D. Marshall: I will second that motion, and add this statement, that from my boyhood days I have been well acquainted with John S. Leedom. There was no more honorable gentleman, or honorable member of the Bar. He was a man in every sense of the word that filled the bill, with reference to what the

actions of counsel should be, as to his manliness, his integrity and his character; therefore I have no doubt that the resolutions which were passed by the Bar of his own county will not, to say the least, do him anything more than justice.

The Chair put the question on the adoption of the resolution. Carried unanimously. (See Appendix, p. —.)

The Chair: Is there any further unfinished business before the convention? If not, the next business on the programme is the discussion "On Reports of Committees." Is the Association ready for that now?

J. J. Moore, of Ottawa: Mr. President, the Committee on Judicial Administration and Legal Reform desires to present an additional report, in order to bring before the Association a matter that was presented to some extent in the address of our President of yesterday. We don't present a recommendation by the Committee, because we have not been able to get together to discuss it fully; but we present for the consideration of the Association a resolution in this form:

"Resolved, That the Constitution of Ohio should be so amended as to completely separate State and Local taxation; and that each city and county of the State be vested with the power of taxation for the purposes of such city or county, subject to the authority of the Legislature to limit local indebtedness, and fix the maximum rate of taxation which city or county may levy."

We offer this as an addition or supplement to the report that was made yesterday.

The Chair: As the report then presented has not been considered yet, this may be regarded as a part of the report of the Committee on Judicial Administration

and Legal Reform, and it will be considered as such. Is the Association ready to consider the report of that Committee?

Mr. J. J. Moore: In order to get that report before the Association, I move its adoption.

Motion seconded by Mr. S. M. Johnson, of Cincinnati, and stated by the Chair.

Mr. J. R. Johnston: Mr. President, I suppose this Committee has given this matter consideration, and undoubtedly had some good reasons for presenting it to this meeting. I would like to hear from the Chairman of that Committee, or some member of it, as to what reasons prompted them to make the suggestion just embodied in this proposition that they have now presented; what the real purpose of it may be?

In reply to the inquiry, Judge Moore took up the matters contained in the report which had been distributed to the members in printed form, but which was not formally read, said printed Report being as follows:

Report of Committee on Judicial Administration and Legal Reform.

To the State Bar Association of Ohio:

Your Committee on Judicial Administration and Legal Reform submit the following report:

1. Your Committee has had under consideration the resolution of Mr. M. A. Norris relative to requiring the Supreme Court to make a report of the cases decided by it, which resolution is to be found in the last volume of the proceedings of our Association, on pages 118 and 119, and recommend its indefinite postponement.

2. Your Committee recommends an amendment to Section 5382, R. S., relating to preferences on executions, so that the time be limited to ten days after the sale of the debtor's property, instead of ten days after the expiration of the term of court at which judgment is entered.

3. Your Committee has prepared bills to meet the recommendation of the Association at its last meeting, of what it considers the more important measures, and which are made part of this report, and recommend they be presented to the Legislature at its next session.

4. Your Committee also recommends that the attention of the Legislature be called to the unsatisfactory condition in which the Mechanic's Lien Law exists, and that such legislation be had as will protect sub-contractors and material men, without doing injustice to the owners of the property improved.

5. That this Association, appreciating the importance of a uniform code for the organization and government of the cities of the State, will give its earnest support to such bill appropriate to that purpose, as may be reported to the General Assembly by the Municipal Commission, and that a Committee be appointed to present to the General Assembly our views of the subject.

6. Your Committee calls attention to the first and third propositions reported by this Committee at the last meeting of the Association. The first relates to the "Scintilla Rule," and the third to amending the laws relating to corporations, and suggest that as there will be a session of the Legislature before the next annual meeting of the Association, it will be well to take definite action regarding both propositions.

Be it enacted by the General Assembly of the State of Ohio, that Section 7360 of the Revised Statutes of Ohio be amended so as to read as follows:

Section 7360. Upon the hearing of a petition in error, the court may affirm the judgment, or reverse it, in whole or in part, and order the accused to be discharged, or grant a new trial. In capital cases, when the judgment is affirmed and the day fixed for the execution of the sentence is passed, the court shall appoint a day therefor; the clerk of such court shall issue a warrant, under the seal of the court, to the sheriff of the proper county, commanding him to carry the sentence into execution at the time so appointed by the court, and the sheriff shall execute and return the warrant, and the clerk shall record the warrant and return as provided in this title. And where it appears from the evidence as disclosed by the record that the accused is not guilty of the offense of which he was found guilty by the verdict of the jury, and upon which judgment and sentence had been pronounced by the trial court, but if in the opinion of the reviewing court the accused is guilty of a crime of a lesser degree or grade under such indictment, such reviewing court may reverse the judgment and sentence of the trial court and pronounce a judgment and sentence for such crime of lesser grade as is disclosed by such record.

Be it enacted by the General Assembly of the State of Ohio:

Section 1. That any president, director or manager, cashier or any other officer of any banking institution, who receives or assents to the reception of deposits in any such bank after he shall have knowledge of the fact that such banking institution is insolvent or is in failing circumstances, shall be guilty of obtaining money under false pretences and punished as for larceny. And any such officer, agent or manager, who so accepts or assents to the reception of such deposits shall be personally and individually respons-

ible to the party so making such deposit for the deposits so received.

Section 2. This act shall take effect and be in force from and after its passage.

Section 6856. Whoever steals anything of value is guilty of larceny and shall, if the value of the thing stolen is $100, or more, be imprisoned in the penitentiary not more than seven years nor less than one year, or if the value thereof is less than $100, the trial judge may, at his discretion, sentence as for such felony or as provided herein where its value is less than $35, and if the value of the thing stolen is less than $35, he shall be fined not more than $200 or imprisoned not more than thirty days or both.

J. J. Moore: The most of these resolutions, or rather, recommendations, speak for themselves.

We had referred to us at the last meeting of the Association a resolution or motion, requiring the Supreme Court to make report of cases decided by it. After some consultation with one or more of the Judges of the Supreme Court, the Committee came to the conclusion that it was not feasible; and, for reasons which were satisfactory to the Committee, and, I believe it is stated by some of the members of the Supreme Court to this Association, would be satisfactory to it—and I shall leave that for the Judges of the Supreme Court to discuss, if it is desired to have anything further upon that question. So, we recommend that that resolution be indefinitely postponed.

A resolution relating to Section 5382 of the Statutes was offered and referred to our Committee. This section refers to preferences on executions. These executions issued at the same term of court the proceeds of the property sold upon the execution remains in the hands of the sheriff undisposed of until ten days after

the expiration of the term, no difference how early in the term that property may be disposed of. Judgments may be taken, executions issued and the proceeds of the same distributed to all the execution creditors; and such was the ruling of the Supreme Court in a late case decided by it, and reported, I think, in the 55th Ohio State.

Now, your Committee acting upon that construction of that section and the section providing for that, many of our counties, especially the larger ones, having a continuous court, one term not adjourning until the time that the other commences—in fact, such is the case in many of the smaller counties, the courts continuing from time to time—we thought that there should be a limit put upon that; and so we have made the second recommendation, viz., that the proceeds of the sale on executions should only be held for preferences for ten days after the date of sale, and not for ten days after the expiration of the term of court.

The third recommendation is that we have prepared bills to meet the more important recommendations of the Association made at its last meeting, etc. These bills are incorporated in this report by this Committee, and the members of the Association can exam ne them. We did this because at the last meeting of the Association there was to be no session of the Legislature until we met again; so that in the Report of Proceedings of last meeting no bills were prepared, and we prepared them from the recommendation of the Committee of last year.

For a fourth recommendation, we recommend that the attention of the Legislature be called to the unsatisfactory condition in which the Mechanic's Lien Law exists, etc. You are aware that the Mechanic's Lien law was amended, or really re-enacted, in 1895; and the

portion of it which provided for a lien to be taken out by a sub-contractor, or material man, was declared by the Supreme Court of Ohio in the case of *Palmer & Crawford* v. *Tingle*, 55 Ohio St., 423, unconstitutional and invalid.

The Legislature which followed the declaring of that law invalid, although it was a very important statute, devoted its time almost exclusively to passing laws providing for municipal taxation, instead of general statutes; so that now there is no statute, no law upon our statute-books which gives a material man or a sub-contractor any lien for material furnished, or labor done, as against the builder or the principal contractor. The principal contractor can take his lien, but the sub-contractor and material man cannot. So that we thought it necessary, maybe, that this Association should call the attention of the next Legislature to the condition in which that Mechanics' Lien Law is now left, or exists.

The fifth recommendation is: "That this Association, appreciating the importance of a uniform code for the organization and government of the cities of the State, will give its earnest support to such bill appropriate to that purpose as may be reported to the General Assembly by the Municipal Commission, and that a committee be appointed to present to the General Assembly our views of the subject."

I think that will meet the concurrence of every lawyer in Ohio; because we all know the condition in which municipal legislation exists now; and I don't know as a word from me would add anything to what you heard yesterday from that rostrum by our President on that subject.

In the sixth recommendation we call attention of the Association to two questions that have been left

for consideration; the one is, the abolition of the "Scintilla Rule;" and the other is the amending of laws relating to corporations. The latter subject was referred to a Special Committee at our last meeting; the former was left without any action being taken upon it by the Association. So we have simply called attention to those matters without making any recommendation.

Mr. S. M. Johnson, of Cincinnati: For the purpose of having intelligent discussion of this report, I would move you, Mr. President, that we take up these recommendations section by section, or subject by subject. Seconded, and adopted.

The Chair announced Section 1 as before the house for consideration.

Mr. J. R. Johnson moved its adoption. Seconded.

Mr. Kennedy: The resolution of Mr. Norris' is not printed here. It was stated by the Chairman of the Executive Committee that that resolution was a resolution requiring the reporting of every case, as I understand. I don't so understand that resolution, and I would like to ask that the resolution be read.

The Secretary read the following:

"Resolved, That it is the sense of the Ohio State Bar Association that the laws of Ohio be so amended as to enable and require the Supreme Court of the State, in all cases not to be reported in the regular volumes of Supreme Court Reports, to decide all questions properly submitted in such cases and publicly announce their decisions. Such decisions to be taken down by the stenographer provided for that purpose, and copies thereof furnished to the parties to the case or their counsel; and that in all cases decided by the Supreme Court it shall be publicly announced what members of the court concurred in the decision given."

The Secretary: This resolution was referred to the Committee on Judicial Administration and Legal Reform.

Mr. Kennedy: That, Mr. Chairman, is quite different from asking that the cases be reported, as stated in the resolution; that is, the resolution, as I understand it, is not to require the reporting of cases, but to require the giving of an opinion so that it can be taken down by the stenographer and the bar can learn the points decided by the Supreme Court, and on what principle, and for what reasons they determined the case.

J. J. Moore, Ottawa: As we understood it, it would require the same labor on the part of the Supreme Court, or the Judges of that court, to announce its opinions, prepare an opinion and announce it and have it taken down by the stenographer, as to make a public report. It entails upon the Supreme Court a vast amount of labor. The docket, we all know, is crowded. They work hard, and are two or three years behind; and we didn't think, after consultation with one or more of the Judges of the Supreme Court that their labors ought to be increased so largely. (A voice: Three-fold!) It would only result in the docket being further behind. Complaints are made that the cases cannot be decided. We all know that the Supreme Court works hard, and they work for a small salary; and I don't think this Association ought to ask the Legislature to impose upon the Supreme Court any more labor than it has already to perform.

Mr. Stewart: Mr. Chairman, it strikes me that this resolution comes very nearly along the line of a bill that was introduced before the last General Assembly, with reference to requiring the Supreme Court to make reports of all cases. At that time it will

be remembered all those who were interested in the bill had their attention called to a decision by the California Supreme Court in passing upon a similar statute wherein it was declared to be unconstitutional. It strikes me that it is very questionable as to whether or not the Legislature can pass any law that will require the Supreme Court to deliver its decisions in any manner other than they see fit to do. I would like to inquire as to whether this resolution as drafted proposes to have a bill introduced that will not come in conflict with the authority as we understand it now with reference to legislation of that character.

Mr. Norris: I offered this resolution one year ago. Perhaps I may be given a word in reference to it. In the first place, I don't understand that the scope of this resolution requires the Supreme Court to write out any opinions in cases they decide, or necessarily entails any large amount of additional labor upon that court. It is presumed that the Supreme Court of the State decides the questions that are submitted in each case heard in that court after properly made up, by the record submitted. They make up their mind as to what legal questions are involved in the case properly, and render their conclusions upon those legal questions.

Now, this resolution simply requires of that court that they publicly state the conclusion they have arrived at upon these legal questions. There may be something unconstitutional in it. I fail to see what provision of the Constitution it conflicts with. It seems to me that this is a growing evil in this State, and an important question; and should not be disposed of without some consideration. Your committee, for whom I have the highest regard, seem to have disposed of it in the same manner of the evil complained of---

without report, or consideration. I have the highest respect and esteem and friendship for the members of the Supreme Court, and have nothing to say personally about it; but you know in olden times the first break for the liberty of the British subject, as stated by Hallam, was that rule which required of the judges to give a reason for their decisions when such decisions affected the liberty or the rights of a subject. Yet here in Ohio hundreds of cases every year come up where men are sent to the final Chair, or the penitentiary, and their property rights disposed of, and no one knows what question was passed upon by the court of last resort in this State; or whether any question was properly made in that regard. It seems to me it is not imposing too much labor upon that court to say at least what questions were made here, state it as briefly as stated in the illustrations cited by Judge Owen in his address on Court-Room Oratory, viz.: "This question was made in this case, claimed one way on one side, the other way on the other side; this court decides it so and so." How much additional labor is there to announce that openly from the Bench, that the litigants and lawyers may know what that court decides upon, and what questions were before it? Go through our volumes of reports and see the names of the ablest members of this profession, pro and con, one side or the other, of cases that have been taken there and argued, laboriously, long briefs and orally; these able and distinguished members of the Bar assuming that there was some question in those cases of law that was not settled in Ohio, and they did not know what the law was. How satisfactory it must be, has been to me, and doubtless to all of you, after all the months of labor for the case not to know whether you have got a single question before the court that they have decided

and passed upon. With all due respect I say there is too much faith in this matter of disposing of law suits. I have the utmost faith that the Supreme Court of Ohio passes upon every question properly submitted by counsel in the cases submitted to them; but it is entirely faith that makes me think that. I have no other means on earth of knowing whether they even read the record or considered the brief or looked at the authorities cited. It is simply faith that the lawyers are fed upon in---I don't know---a very large proportion of the cases that are submitted to the Supreme Court of this State.

Now, I say, if it is possible in this great, enlightened State of Ohio, we ought not to have the lives and liberties of the subjects disposed of without some information as to what question the Supreme Court considered it was passing on in the particular cases. It don't seem to me that that entails great additional labor, as I said before. It don't require the reading of any opinion. It might, indeed, be published in the volumes of the reports without swelling them, if you would take out one-half of what is there; that is, the briefs from lawyers that the reports are padded with, and instead put in there decisions upon points the Supreme Court have decided. Take out some of the learning of the lawyers with which they are often over-loaded. (Applause.)

Mr. Patterson: I was about to suggest that Judge Shauck is down on the program for a paper upon the subject of "Unreported Cases," and I was going to move that action upon this other motion be deferred till after we hear from him on that subject---he being a member of the court.

Motion seconded. (Cries: Agreed!)

The Chair: There being no objection, it is so ordered. We now pass to the consideration of the next item, the second, of the report of the Committee.

Mr. S. M. Johnson, Cincinnati: I move its adoption, Mr. Chairman. Seconded. Adopted.

The Chair announced the third item of the Report as under consideration.

Moved and seconded that the same be adopted.

Motion stated by the Chair.

Mr. Fillius: Does the adoption of that third recommendation include the adoption of those proposed statutes set out at the conclusion of the Committee's Report?

Mr. J. J. Moore: We have simply there set out bills prepared to meet the recommendations of a year ago. These proposed bills were not at that time prepared, because there was no session of the Legislature to intervene between that time and this meeting. We have simply prepared bills to meet the more important of the recommendations made at that meeting.

Mr. Fillius: I want to suggest, Mr. Chairman, if this is the proper time---and I appeal to the Chair to be informed as to that point---an amendment to Section 1 of those proposed bills to be enacted by the General Assembly of the State of Ohio, which amendment I offer not for myself but for the benefit of my friend here, who is a bank director. In the Section 1 referred to are the words "or is in failing circumstances;" that is so broad, and at the same time so narrow, so extensive and so far-reaching, that if ever a bank should fail I think every director in it would be sure to go into the penitentiary; and I don't believe that would be right. Sometime I want to move to strike out those words.

The Chair: That does not appear to be connected with the third recommendation of the report, which is now under consideration.

Mr. Mykrantz: Does not the adoption of Section 3 of the report necessarily mean our sanction of the sections of the statutes to be amended as presented at the close of this report.

The Chair: I suppose that would be the effect of it.

Mr. Mykrantz: The gentleman wishes to make a question on that, and has offered an amendment; I presume it would be proper to consider it at this time.

Mr. Fillius: If in order, I move an amendment by striking out the words stated.

The Chair requested that the gentleman reduce his proposed amendment to writing.

Mr. J. R. Johnston: I suppose the recommendation made by the Committee that those be presented to the Legislature is tantamount to an indorsement of each of those bills by this Association at this meeting; it could not be otherwise, we would not be expected to put bills before the Legislature for their approval which had not been approved by this Association; so that would dispose of the first question; now, so far as those bills are concerned, whilst I have not any particular occasion to criticize either the first or second one, it seems to me that this third one, called "Section 6856," is of such a peculiar character that it would challenge the attention of almost any present who would read it; and that it is capable of explanation by the Committee I have no doubt. It says: "Section 6856. Whoever steals anything of value is guilty of larceny, and shall, if the value of the thing stolen is $100, or more, be imprisoned in the penitentiary not more than seven years nor less than one year, or if the value

thereof is less than $100, the trial judge may, at his discretion, sentence as for such felony or as provided herein where its value is less than $35, and if the value of the thing stolen is less than $35, he shall be fined not more than $200, nor imprisoned not more than thirty days or both." I believe the purpose which the Committee had in mind, the object which they sought to accomplish, was to change the limit, or the line of demarcation between grand and petit larceny from $35 to $100; am I correct in that?

J. J. Moore, Ottawa: Yes, sir, to some extent. We have framed these bills just to meet the recommendations of the last year's meeting of the Association; the purpose was, that if the value of the property was $100, or more, that it would be a felony the same as now for a value of more than $35. If the amount was between $35 and $100, then the penalty was discretionary with the court; and below $35, a misdemeanor as at present.

J. R. Johnston: It seems to me the Committee were unhappy in the last part of that; that the latter part of that obscures the real purpose of the provision sought to be incorporated. I move, Mr. Chairman, or Mr. President, that that section be stricken out; and that a recommendation be made to the Legislature that the amount be changed to discriminate between grand and petit larceny from $35 to $100, and let it go at that.

W. H. A. Read: I move, in order to facilitate matters, that the third recommendation be so subdivided that we can take up and consider one of the proposed new bills at a time.

Mr. Brumback: I would inquire if those proposed bills cover all that were recommended by last year's meeting?

The Chair: I think there is one introduced about taxes.

J. J. Moore: We did not prepare bills for all the recommendations made at last meeting; but for those which we considered as more important ones.

The question being put on considering bills seriatim, the motion carried.

Mr. Chas. Pratt, of Toledo, moved the adoption of the third recommendation of the report relating to proposed amendment to section 7360, Revised Statutes. Adopted.

Mr. Johnston moved the adoption of Section 1, as to banking officers, etc. Motion seconded.

Mr. Norris: Before this section is adopted I would like to have a definition from the Committee as to what constitutes "in failing circumstances," as applied to a banking institution in law.

J. J. Moore: The gentleman should make inquiry of the former Committee. We drafted this bill in accordance with the recommendations of this Association of one year ago. I think the criticism is well taken as to that part of the bill. I think it ought to be stricken out; but this Committee is not to be charged with either the malfeasance or misfeasance of the former Committee. (Laughter.) I agree with the gentleman that that part should be stricken out.

Mr. Norris: I move, therefore, to strike out the words, "or is in failing circumstances." Seconded by Mr. Moore. Carried.

The Chair: The question is now on the adoption of the bill as amended.

S. M. Johnson: This resolution as recommended last year seemed to reach not only banking institutions, but Building Associations, as I recall it. I move you that after the words "banking institution," on

line 2, Section 1, there be inserted the words "or Building or Loan Association, or Building and Loan Association."

Seconded and adopted.

J. L. Locke, Cambridge: The question seems to be now upon the adoption of the bill with the amendments. I was present last year when this matter was suggested; and it seems to me, gentlemen of the Association, the few of us that are remaining here, that we are making a recommendation here upon what occurs to me a very delicate matter, and one that surely carries with it a great deal of danger to people who will be made responsible under this statute, who are hardly responsible for the fact that is attempted to be reached by this suggestion; I believe that I have been impressed as the year has gone by with a remark made by Judge Burket upon this question when the resolution was offered at the last session; if this becomes a law the words of Judge Burket at the last session are almost true, that many an institution would have innocently to go to the wall were such a statute adopted. Suppose some one member of the directory or some dissatisfied stockholder deems the bank in his judgment to be insolvent and rushes to the bank door and posts a notice, in order to shield himself from what he imagines is coming liability under this proposed act, to the effect that in his opinion the bank is "in failing circumstances;" the consequence would be almost in every case financial wreck, because the banking business is done almost exclusively on the confidence of the people. While I agree that the provision if adopted should apply equally to Building and Loan and Savings Institutions as well, I think it is a dangerous statute, because a man working in a banking institution at the teller's desk, or the book-keeper's, can be

made a scapegoat. It strikes me that we had better have a measure thoughtfully presented here, without any criticism upon this present able Committee, that must not be apologized for by the Committee which presents it, even if it takes another year to get such a measure. The whole matter is better reached by a system of inspection of these institutions than by this criminal statute that does not always reach the guilty party; so that it follows from what I have said that I don't favor the adoption of the report in this particular.

Mr. Dewey: I don't want to state very much upon this question. Perhaps some of my friends who know me may think I am speaking from personal motives. It does seem to me that this statute is an ill-advised measure; and I, therefore, desire to supplement in a measure the sentiments advocated by the gentleman who last spoke. I believe this whole matter had better be deferred; and I shall vote in that line.

Mr. Limbert: In that connection, I think the Section ought to be a little further amended in line 3, after the word "bank" to insert the words "Building or Loan or Building and Loan Association." It was only inserted after the word "institution." Also, after the word "institution" in the 4th line, a like insertion. It should be amended in the three places.

J. J. Moore: I forgot to mention one thing; that is, that these recommendations were adopted at the last meeting, and whether now confirmed or not they still exist as such recommendations. This Committee is not recommending them, but simply formulating what has already been recommended, what the Association has already adopted a year ago. We simply prepared the bills in accordance.

Mr. Norris: Do I understand that the recommendation has been approved by the Association?

J. J. Moore: Yes, sir, one year ago.

Mr. Norris: Then why brought up for approval today?

J. J. Moore: They are not. The Committee did not prepare any bills a year ago because there was no intervening Legislature. We simply prepared these three bills on the more important matters, as we thought, to present with our report, because the last Committee did not prepare the bills; but the recommendation was made one year ago of these measures to be presented to the Legislature. Now, we must either undo what we did a year ago, or adopt, or leave out entirely so far as these bills are concerned; you can leave them out, and the recommendation of the Association stands just as it was made a year ago for the adoption of these very measures; or we will have to undo that.

J. R. Johnston: Were those bills prepared last year?

J. J. Moore: No, sir, they were prepared by this Committee.

Mr. Johnston: I suppose all that was recommended last year was, that there be some appropriate legislation.

Mr. J. J. Moore: You will find by referring to what the Association did last year that these bills were prepared just on the line of the recommendation of the Committee then.

Mr. Locke: Is it your judgment that we should consider, Judge Moore, the action of last year?

J. J. Moore: I suppose so. That recommendation stands whether these bills are in or out.

Ex-Gov. Jones: It seems to me these bills are in somewhat crude shape; it seems to me that a conservation judge would say not to go forward in a measure of

this kind at this time. I have no doubt the Committee have done exactly their duty under the former recommendation of the Association; but it occurs to me that it is better that this matter be delayed or prevented in some manner. I should hardly like to see a criminal statute of this kind, so indefinite, so uncertain, put upon our statute books in Ohio. It seems to me, as well suggested by the gentleman from Guernsey county, it might work very serious damage to institutions in this State. We have never had very much trouble in Ohio upon this subject; and I trust that we may not; at least the outlook at the present time is not for any such amount of trouble just now. The trouble with the banks, so far as I understand it, is that they have so much money generally they don't know what to do with it. In order to bring this matter before the Association, I move that this whole matter be laid upon the table for one year, and the Committee instructed to take no action till further action by the Association. Seconded.

The Chair: It is moved and seconded that this subject be laid upon the table, and that the Committee be instructed to take no further action upon it; are you ready for the question?

G. D. Munson: Before the question is put, I hope that the members of the Association will consider that this proposed measure has had very careful consideration, not only of the Committee on Judicial Administration and Legal Reform, as it was constituted when this measure was proposed, but the measure itself has had the indorsement of the lawyers of this Association; and it seems to me to now reconsider the work that the Association has done as a body is to simply go back on our work; and if we are to practice that kind of thing in this Association, there will be no end of trouble

and delay and retarding of important measures. Now, what have we here?

We have simply only a verbal criticism of the bill as prepared; that is proper enough under this third recommendation of this Committee. They have on these important subjects formulated the law, or what they believe should be the form in which the bill should become a law. We see evidently from an examination of the record of last year that the words "Loan or Building Association" were in the measure as proposed and adopted by this Association. Very well, insert that; and it has been inserted. Then we see, too, that naturally it follows after the words "banking institution." Of course it should be inserted where the sense demands under the amendment. It may be very well to have cut out the words "in failing circumstances;" but we have "insolvent" there; and the meaning of that word is perfectly apparent to every lawyer who has given the matter any attention. I will not agree with the gentleman that this is a matter that ought not, so amended, to be passed. There have been thousands and thousands of poor people defrauded in the State of Ohio by banking concerns, by building associations, by reason of their having received money after they were insolvent. Why, we have two building associations in that very condition in our place today; and not very many years ago we had an extensive banking concern, the Deposit Bank of C. C. Russell & Co., which took in tens of thousands of dollars of our poor people because of the popularity of their cashier and president, who continued to run the association, or the institution, after they knew it was insolvent; and those facts were made perfectly apparent to court and jury afterwards in proceedings in court. I say that this is a great evil; I say that no banker, no cashier, no officer of an institu-

tion is in any peril of being punished unless he deserves to be punished under a law of this sort. It is in the interest of the unwary; it is in the interest of the confiding; it is in the interest of those who cannot ascertain the facts, and are liable to be deceived and defrauded just in the way this is intended to prevent. This measure ought not to be postponed; it ought to have the vote of this Association here and now; and I ask that it be put to vote.

H. J. Booth: I am not a member of the Committee which has presented this report. I am, however, very much opposed to the motion as it stands. It looks to me as if it would be little better than boy's play for this Association to bring up the same proposition year after year, and take a vote upon it, after full discussion, as we did last year, instruct a Committee of learned gentlemen to prepare a bill, receive their report, have it explained, ascertain that it conforms to the instructions under which it was prepared; and then postpone it another year because somebody sees an opportunity to make some little verbal criticism. I am in favor of holding over every banking officer a penalty in the Statutes of Ohio whereby the person who accepts or receives deposits in the usual course of business into a bank which he knows to be insolvent shall be adjudged a felon when the fact be proved. (Applause.) I know of some tolerably prominent people, possibly in my own city, who would probably have worn stripes before this if an act of this kind had been upon the statute book, and had been carried out. (Applause.) And that is not the only city or the only county by a great deal. There have been bank failures, many of which might have been avoided, in nearly every section of the State of Ohio. What objection can there be to holding a banking officer guilty of a felony for

taking in the money of the merchant or manufacturer, or the laborer, or any body else, when he knows, or has every reason to believe, that that money will never be repaid; at least, will never be wholly repaid? True, it may be that the account will be checked out within a day or two, or a month or two; but where there is a running account, the chances are against repayment; and the officer who takes the money and knows when he takes it that it cannot be repaid is guilty of a crime. If it be a crime for a man on a salary to run a faro table, why is it not a crime for a man on a salary to mulct an innocent depositor out of his money—although the business otherwise be legal? I regard a bank which is known to its officers to be insolvent, and its business still carried on, as a more dangerous institution to a law-abiding community than a faro game. (Applause.) Because the best people patronize the banks; and some of the best people don't patronize the faro joints! Now, I am not quite so sure about whether such an act should apply to a building and loan association; because I don't know so much about them; although I believe my firm is trying to be attorney for one of the largest ones in Central Ohio. Actively I have very little to do with it. But it does seem to me that even with a building and loan association which attempts to do a banking business, that it should conform to the requirements governing banks, or at least to a limited extent in this particular. If I am correctly informed this is not as stringent and as penal a provision as that which has long been upon the statute books of the Federal Government. If National Banks need a penal provision of this kind to protect their depositors, why don't State banks which are carried on by corporations, by partnerships, and individuals? This is no experiment. Laws of this kind are much

more severe in character, have been on statute-books elsewhere and have been enforced, and have been held constitutional in many of the central and western states for from three to ten years; and I think they have been all of very decided benefit.

Now, if there be some slight verbal changes that should be made, it seems to me that there is enough intelligence and enough industry in this Association to recommend and point out, or draw up those changes, in the next twenty-four hours. In order to give the objectors an opportunity to do that, and in order to give the Association the opportunity when we have a fuller attendance than we have now to vote upon it, I move to amend Gov. Jones' motion by changing the time from next year to to-morrow; that further consideration of this matter be postponed till to-morrow afternoon; and then let us settle it one way or the other. (A voice: Make it 11 o'clock.) I am not particular about the hour; but I prefer that it be settled to-morrow, rather than next year.

The Chair: Is 11 o'clock to-morrow satisfactory?

Mr. Booth: I have no objection.

A Member: What is the matter with now? I want it disposed of now.

G. D. Munson: I intend no discourtesy in urging the matter, surely; but because I was on the Committee at the time this proposed measure was considered by that Committee, and feel an interest in it, feel that it is really needed, I urge its passage now. Surely there is nothing here to amend except mere verbal matters that have already been suggested and made. The bill as it now stands is ready to pass; and I ask that it be put upon its passage now.

The Chair: There is a motion to postpone; that has precedence.

Moved that the motion to postpone be laid on the table.

Mr. Booth: I am willing to withdraw my motion to amend.

The Chair: There is a motion by Mr. Jones to lay the matter on the table, and instruct the Committee on Judicial Administration and Legal Reform to pay no more attention to the subject. Are you ready for that?

The question being called for, was put, and lost.

The Chair: The question is now upon the adoption of section 1, of the proposed bill regarding banks, etc. Are you ready for the question?

The question was called for.

Mr. Fillius: It has been suggested by my friend back of me that there is another large class of institutions called Trust Companies. I don't know but that would come under the head of banking institutions; if the section does not include them, they ought to be included.

G. D. Munson: This is intended only to cover those cases where deposits are received from day to day from the people generally. Suppose we try to get through with what we have now; the Legislature may include the Trust Companies if they see fit. I would like to have this question now voted on as it is.

The question was put on the adoption of the section 1, and the Chair being in doubt a rising vote was demanded, which resulted: Ayes, 36; Nays, 8. Adopted.

J. R. Johnston, Youngstown: Now, I offer as a substitute for section 6856 the following:

Resolved, That it is the sense of this Association that the amount distinguishing grand larceny from petit larceny should be changed from $35.00 to $100.00;

and the Legislature is requested by appropriate legislation to make such change.

Motion to adopt substitute seconded.

Mr. Mykrantz: By this amendment you simply punish a criminal in the penalties of grand larceny when the value of the article stolen amounts to one hundred dollars. Now as every lawyer knows, and every prosecuting attorney in this State knows, nine-tenths of the thefts are under in value $100.00. If you give them the advantage of this high limit of $100.00 you will never punish any of the professionals for any of their crimes. If you make that the penitentiary limit the great majority of the petty thefts will go unpunished altogether; because in the small counties they don't punish for petty larceny; they simply fine them $5, $10, or $15, and send them to jail to work it out, and to-morrow they are turned loose on parole. There is thus no adequate punishment for the smaller crimes whatever; because the County Commissioners don't want them in the jail; they have no use for them, they don't want them in the work-house, because it is an expense upon the county. If you extend this limit in their favor from $35.00 to $100.00 you will have no punishment for petit larceny at all. I say, leave the statute as it now is, or if you amend it do so in such a manner that you will catch these petty thieves who manage to keep their stealings down to what they think the safe limit. There should be a punishment for these thieves; raising the limit is simply encouraging them. I favor putting in the power of the Court discretionary power to measure out the penalty to some extent, so that he may adjust it in these cases of petty theft so as to fit the crime, and where the value is between $35.00 and $100.00 let the Court say if the offender shall or shall

not go to the penitentiary. As I say, if you put the penitentiary limit at $100.00 you will have no punishment for the lesser grade that will be at all effective, as every man who has any experience in the office of prosecuting attorney knows. Especially is this true of the smaller counties.

J. R. Johnston: It occurs to me the gentleman is drifting away from the main question, which is as to the propriety of changing the line of demarcation between grand and petit larceny from $35.00 to $100.00. If in his county, or in any other county in the State there is a failure of justice, simply because there may be a necessity to send a man to the work-house, that is not the fault of the law, it is the fault of the prosecuting attorney or the officers engaged in the enforcement of the law. This simply changes that one thing; why should we have a limit making it a penitentiary offense to steal $100.00 from one man, and a penitentiary offense to steal $35.00 from another? I don't know what reason the Committee should have had for making such a discrimination as that. It seems to me it is entirely unnecessary to indicate to the Legislature in the manner suggested by that provision there which is intended to be incorporated instead of 6856. All I offer this amendment for is simply to ascertain whether or not it is the sense of this Association that the limit should be enlarged; and if the matter does not need change then let it remain as now on the statute books. When the limit was arbitrarily fixed at $35.00 many years ago, that amount was then as considerable an amount as $100.00 is now with the majority of men; and I think that the proposed substitute would in no way encourage crime; but if the Association think otherwise, it is an easy matter to vote it down.

S. M. Johnson, Cincinnati: May I ask a question? The purpose of this Committee, as I understand, was simply to adopt a resolution as recommended by the last body, which will be found at page 107 of last year's proceedings, viz: "That the law relating to larceny, embezzlement and receiving or concealing stolen property, be so changed that where the property is found by the jury to be of a greater value than $100.00 the penalty shall, in all cases, include imprisonment in the penitentiary, but where it is found to be of a less value than $100.00, the trial judge may at his discretion sentence as for such felony, or as is now provided by law, where its value is less than $35.00." The idea of my rising is to get from you whether your amendment consists with the purpose of the former recommendation; or whether we are not really adopting an entirely different recommendation from that which was referred to this Committee for report?

J. R. Johnston: I am getting at the real purpose; the machinery is a little different.

Mr. Kennedy: It seems to me one of the last things the Bar Association would do, to recommend to the Legislature a change of any law, unless there is something calling for such change. One of the evils, one of the things that bother new attorneys, is the everlasting change of the law by the Legislature; and usually they don't make it any better. And it seems to me there is nothing in that law requiring any such change. I don't understand why the law as it is is not just as good as if changed in the way proposed; and I therefore move you that this matter lie on the table indefinitely.

Seconded.

The motion was stated by the Chair, and announced as not debatable.

J. J. Moore: No, but let me make a statement. This recommendation was made at the last session of this Association; and if this is put on the table, the recommendation of the last meeting of the Association stands; and it recommended the very Bill that we reported; so that laying this portion of our Report on the table don't dispose of it. All it does is, that thereby you fail to say that this is the kind of a Bill that should be prepared; but the recommendation to the Legislature exists just the same.

Mr. Kennedy: Then if that objection is pertinent, it disposes of my motion. I would like to substitute for my motion a motion to instruct the Executive Committee to not present it to the Legislature, that they pigeon-hole it in some way, lay it on the table.

The Chair: Do you wish to incorporate that in the other motion?

Mr. Kennedy: Yes, let the whole thing go. (Laughter.)

The Chair: The question is, as I understand it, to lay the subject on the table indefinitely, and the motion on the table.

Mr. Atherton: I rise to a point of order that we cannot reverse the action of the former meeting of the Association by this kind of a motion.

The Chair: The point of order is well taken. The Chair sustains it.

Mr. Johnson: I move the adoption of the Report as made.

Motion seconded, and put by the Chair, resulting: Ayes, 15; Nays, 27. Lost.

Mr. Atherton: I rise to a point of order upon this motion, that it is reversing the action of a former meeting of the Association, which I claim is not in order by this kind of a motion.

Mr. Patterson: Those sections were brought here to be submitted to this Association as the language which the Committee thought proper in which to clothe the expression of the action of the former meeting of the Association; and to submit to this Association for its approval. Now, I think that it is entirely proper. The Association, however, has failed to approve the draft of the Committee in relation to Section 6856. I am opposed to tinkering with legislation on that subject at all; and in order to relieve the Committee of any further consideration, I move that the action at our last session on that subject in relation to amendment to Section 6856 be re-considered.

The Chair: Was the gentleman here last year? I am asking that for the purpose of ascertaining whether he voted in favor of it.

Mr. Patterson: I was here.

The Chair: Did you vote in favor of the subject matter?

Mr. Patterson: I don't think I did. I move the action of the Association of last year be rescinded. I don't know why you cannot do it. What is it that ties the Association's hands this year? Have we not the same right to act upon the substance, or form of a resolution, as we have to act upon new matter that comes here this year? Have we not a right to treat this as new matter if we want to, and say that the action of the Association last year did not suit our further and mature deliberation upon the subject? It is a strange thing to me that the action of the Asssociation last year, or ten years ago, is going to bind and limit our judgment upon all matters that may come before this Association hereafter for all time. If that is the correct principle, I don't want much more to do with the deliberations of the Association. Why, it has been

stated here that the action of the Association is something like the judgment of a Court, that we are not privileged to go back, or change our minds upon things which have occurred heretofore. I say it is entirely proper that we may.

The point of order was raised that there was nothing before the house; whereupon Mr. Patterson's motion to reconsider was seconded.

J. J. Moore: I move you, Mr. Chairman, that the Committee on Judicial Administration and Legal Reform be instructed not to present to the Legislature this part of the recommendation, as to Section 6856.

Motion seconded, and adopted without remark.

On motion the Committee on Judicial Administration and Legal Reform were instructed to prepare and present to the Legislature a bill covering the recommendations embraced in the section 4, of the Report, referring to the condition of the Mechanics' Lien Law in Ohio.

On motion, consideration of section 5, of the Report, was laid over until after the address of Judge Kibler on Thursday morning.

The Chair stated section 6 of the Report was before the house for consideration.

Mr. Kennedy: I move, Mr. Chairman, that that portion of the Report referring to the "Scintilla Rule" be laid on the table indefinitely.

Seconded by Mr. Mykrantz.

Carried, without debate.

The Chair: Now, the question is on the consideration of the second part of the section 6, of the Report. What is the pleasure of the Association?

Mr. S. M. Johnson, Cincinnati: I had understood the subject had been referred to a Special Committee; while our Committee made a report, it has been super-

seded by the Special Committee to whom the matter was especially referred. We had a partial report from them on yesterday. I move that our Committee be relieved from any further consideration of this corporation matter. Motion seconded and adopted.

J. J. Moore: There is another section incorporated in our Report to-day, for your consideration, viz:

"Resolved: That the Constitution of Ohio should be so amended as to completely separate State and local taxation; and that each county of the State be vested with the power of taxation for the purposes of such city or county, subject to the authority of the legislature to limit local indebtedness, and fix the maximum rate of taxation which city or county may levy."

Mr. A. W. Jones: This ought not to be acted on in haste. The authority given to every municipal corporation, the right to levy taxes in that manner, I fear it. I think it is a subject, however, this subject of taxation, that ought to be investigated very thoroughly by this Association. I have no doubt that our entire tax laws in the State of Ohio ought to be amended; I think it ought to be considered, and that the whole subject ought to be carefully examined; but I am not prepared at this moment to vote for this resolution that simply goes to municipal corporations, giving them power of taxation limited only by a certain amount. There is something that must be done in the direction of improving our tax laws; it is imperatively demanded; and at this time I am not prepared to say what it ought to be. I don't know but my brethren of this Association have considered it fully, and are now in a position to act wisely, carefully and prudently upon this subject at this time; but it seems to me that such an extensive and important subject as this ought to have very careful consideration from this Association. I know, Mr. President,

that the influence that this Association has upon the General Assembly of Ohio is considerable; that in the past the General Assembly have looked upon this Association favorably and taken their advice, not cautiously, not criticizingly, but almost as right beyond doubt. I hope that in the future as in the past the Legislature shall have the right to feel towards this Association as I know they have for the last four years. Now in order to secure this end carefully and prudently, I think the whole subject ought to be carefully examined and a report made here that is worthy of this Association; and so thinking, I move that the subject of taxation be referred to a Special Committee of gentlemen who will study this matter carefully, and give them a year to consider it and report at the next meeting of this Association; or at least that they present it in such shape that we can take action on it.

The motion was seconded.

Mr. A. W. Jones: I want it understood that I am not to be on that Committee; for I don't want to have the work; with that understanding, I will make that motion.

The Chair: It is moved and seconded that the subject of the last recommendation by the Committee be referred to a Committee for report next year.

Mr. Broomhall: As a member of the Committee that submitted this resolution, I want to say that I am in favor of what Gov. Jones has stated. We didn't expect when that resolution was brought before this convention that it would receive approval at once; because we know, as Gov. Jones has stated, that the question is too wide, too important; it deserves serious consideration, and not speedy action when there are so few of our members here. But I want to say this: This Association has had up the question of taxation

and has heard what distinguished gentlemen have had to say upon it; but the Association has not said a word upon it. The time has come when this Association owes it to the people of Ohio to take up this question, and take a stand upon it after a conscientious study and report made upon it, as the gentlemen has suggested. The question of local option in taxation is before us, and it is the only way you are ever going to get the Constitution of Ohio amended; efforts have been made to amend it, but the people refused to sanction them; they have refused to put the power of taxation in the hands of the Legislature. I am in favor of the adoption of a better plan than that we are now living under in Ohio; and therefore I hope that the committee when appointed will take up the question of amendment of the Constitution along the lines proposed in this resolution, and will give it at least careful and respectful hearing.

The question being demanded, the motion pervailed.

The Chair: The question now is upon the adoption as a whole of so much of the Report of the Committee as has been favorably acted upon. Adopted.

Mr. Atlee Pomerene, Canton: Our Circuit Court recently held, I think correctly, that our forgery statutes were not broad enough to make the forging of a certificate of stock in a corporation a crime. I therefore move you, Mr Chairman, that this Committee be instructed to prepare and present to the next Legislature a bill amending the forgery statutes so as to cover the matter of forging of certificates of stock in corporations. Motion seconded, put and carried.

Mr. Johnson, of Cincinnati: The special Committee on Corporations presented both majority and minority reports on yesterday, action upon which was postponed until to-day. It seems to me that is a very

important matter and should be now taken up, or postponed until some definite time when we can consider the report.

Mr. Moore: I move that that committee be continued, and the subject postponed till the next meeting of the Association. Motion seconded.

Mr. Munson: Before the question is put, I would like to suggest that there is probably no prospect of that committee agreeing; and I ask to be relieved from the committee. I would like further to say that the question was fairly left by our president, Mr. Kline, to the Association, to determine whether it was a governmental question, as was reported by one of the minority reports, or whether it was a question for consideration by our Association. Now, it seems to me that that matter could be disposed of here and now.

Mr. S. M. Johnson: We have a very small attendance now, I might suggest.

The Chair: The motion now is, to continue the subject in the hands of the same committee till next year.

Mr. Munson: This committee has suggested that this question ought to be disposed of before the next legislature. It occurs to me that unless we dispose of it this afternoon we will not get to it again during this session.

On motion a substitute to postpone till tomorrow was adopted, Mr. Munson requesting such action.

The Secretary announced the names of various Committees for the ensuing year, as presented from the various districts, which committees were duly approved by the Chair, and are as follows: (See same set forth at page 105 of this Report.)

On motion, adjourned until 10:30 A. M. Thursday, July 13, 1899.

Third Day—July 13, 1899.

Morning Session.

The convention met pursuant to adjournment, and was called to order at 10:30 A. M., Acting President John D. Sullivan, of Columbus, in the chair.

Mr. E. B. Dillon, Chairman, read the following:

Second Supplemental Report of Committee on Admissions and Elections.

PUT-IN-BAY, O., July 13, 1899.

To the Ohio State Bar Association:

Mr. President and Gentlemen—Your Committee on Admissions and Elections submits herewith its second supplemental report, and recommends the admission to membership in this Association of the following attorneys, viz.:

W. R. Hopkins, Cleveland, O.
Milton Saylor, Tiffin, O.
Lewis J. Wood, Painesville, O.
N. R. Harrington, Bowling Green, O.
Maurice H. Donahue, New Lexington, O.

And for reinstatement the following:
Julian H. Tyler, Toledo, O.

Respectfully submitted,

E. B. DILLON,
Chairman.

On motion, the Secretary was instructed to cast the ballot of the Association for the election to membership in the Association of the attorneys named in said supplemental report.

The Chair: The first business before us this morning is an address by Mr. Edward Kibler, of Newark, of the Ohio Codifying Commission, the subject being: "The Work of the Ohio Municipal Codifying Commission."

I have the honor to present to you Mr. Edward Kibler.

Mr. Kibler delivered an address, for which see Appendix.

On motion of Mr. Johnston, of Youngstown, seconded by Mr. Munson, a vote of thanks was tendered by the Association to Mr. Edward Kibler for his very able and excellent and instructive address.

The Chair directed attention to certain unfinished business awaiting the pleasure of the convention.

Mr. Munson: Under that head, the Special Committee on the adoption of amendment to the law creating corporations was given further time for report this morning; and as far as I am concerned, as one of that committee, I don't desire more than ten minutes. I would like to read the report I have. And then I will ask leave to be relieved from the committee.

The Chair: The gentleman will proceed as agreed upon yesterday afternoon.

Mr. Munson read the following:

I wish to say in addition to what I have said on the subject, that private corporations for gain may now be created under our statute, and be organized for doing business and do business, without a dollar paid into the treasury.

The language of the statute is: "An installment of ten per cent. shall be payable" at the time of making the subscription—not paid. The measure suggested makes the authorized capital stock the actual capital stock; it requires payment. Now, as the law stands,

a private corporation may be organized without one dollar of available cash assets—a single dollar in the treasury, or a nickel's worth of property at its disposal.

Five insolvent men may now organize a company on a basis, say, of $20,000,000 authorized capital stock and provide a $13,000,000 bond issue. They may elect a secretary, who with their associates may organize a board of directors; they may meet and order issued to themselves, say $3,000,000 of stock. They may issue a deceptive and misleading prospectus purposely to mislead and to induce uninformed, unwary and confiding persons to purchase stock. They may then pay, we will say, $300,000 in stock to a professional promoter or promoters in New York for services in promoting the scheme there. They may make an agreement to give capitalists a bonus of say a million dollars in stock for a conditional and secured loan. Under these conditions they are ripe to sell, say, half a million dollars worth of stock at its face value to innocent parties, and when these inquiring investors become too inquisitive as to their investments, and troublesome, they may be coolly informed the company's books and papers have been destroyed by fire, or stolen, or lost in some way, and asked—What are you going to do about it?

This illustration shows what may be done in this State under the law as it stands to-day in Ohio. It is needless to further amplify by illustrations; all lawyers know of the iniquities practiced under color of Ohio corporation law. In other words, we know that the State now creates an artificial individual, and sends him out on to the streets and into business, a bankrupt; and with immortal life and consequently almost unlimited opportunity to make others bankrupt, all under a parentage derived directly from the State. This provis-

ion merely requires the creature to be given a solvent birth.

It seems to me an association of lawyers should meet the question of recommending the proposed measure to the Legislature here and now; and vote for or against it here and now. Our Constitution declares the object of the Association to be "to promote reform in the law." No law on our statute books needs reforming more than that relating to the creation of corporations, and we lawyers know it and admit it; we are especially competent to advise the Legislature how to remedy the defect, and it would seem our duty to do it as an Association by and through the measure in question. If we may escape such duty on the ground that it raises a governmental question, then I think we may escape almost any question brought before us for action as an Association.

This measure is entirely practical and adapted to our needs at this time. We may amend the law, in future, making payment in cash (without any equivalent) requisite; but at this time, the feasible provision is the one suggested by our Committee on Judicial Administration and Legal Reform. The measure is wise, and will promote reform in the law. It has been said the change will diminish the State revenue. Even if so, we can afford the loss, in the interest of State integrity. But I do not concede there will be loss. Business must be done in the State by corporations; and the same amount of revenue will accrue from foreign corporations coming in to do the business, and to originate and carry on all desirable enterprises. Corporations are an absolute necessity to our advanced civilization, and we are desirous that they should have the full protection of the laws. But we also desire the people protected from corporate abuses. Coporations are entitled

to the protection of the laws the same as individuals. But the State has given them powers greater than individuals; the power of immortality is theirs, and the power to perpetuate oneself is an immense power, and a great advantage. So that having given this power, we should guard it carefully, more carefully than the power of the individual, because it is greater. The failure of the Special Committee to agree, and the relieving of the Committee on Judicial Administration and Legal Reform from further considering the matter, does not relieve us as an Association from the duty of disposing of this measure, and I ask that it be disposed of now, here at this meeting, as the will of the Association. I move the measure be referred to the Legislature as it stands.

With that report upon the question, and it being known to the Association that the Special Committee failed to agree, I ask to be relieved from further duty on such special Committee.

Moved by Mr. Wilson that the report jnst submitted as the majority report of the Special Committee on Corporations, be adopted. Motion seconded.

Mr. Munson: I will explain, Mr. Wilson, if you please, that three persons were appointed on this Committee; and two of us made a report; so they would both be minority reports.

Mr. Wilson: My motion covers the report made by Judge Munson.

Mr. Munson: Both were minority reports; but if you will move that the report of the Committee on Judicial Administration and Legal Reform as published last year, and approved by the report of Judge Munson of the Special Committee, be adopted by this house, that will cover it.

The Chair: Which section of the report?

Judge Munson: As reported last year and referred to us.

Mr. Pratt: As I understand it, that would be an adoption of the third clause of the Report of last year, found at page 35 of last year's Proceedings, which reads as follows:

"3. That the laws providing for the creation of corporations be so amended that before a corporation is authorized to transact any business, the entire amount of its authorized capital stock shall be subscribed and fully paid in, either in money or its equivalent, and that there shall be an official investigation to determine that all property used in payment for stock is taken by the corporation at not more than its market value." In reading that just now I emphasized the clause which struck me as being a little doubtful, viz., that the "*entire amount of its authorized capital stock shall be subscribed and fully paid in*" before it is authorized to transact any business. Now, I fully agree with all that has been said about the absurdity and enormity of allowing a corporation to be launched on the world without any capital whatever; I fully agree with all that, and appreciate it. At the same time it seems to me that this is a little, a little strong—perhaps considerably strong. No corporation started upon its existence probably would be able to know exactly the amount of capital stock that might be required in the conduct of the business enterprise in which it enters; and still, there should be a reasonable amount of capital stock paid in. It would seem to me that if fifty per cent. were required to be paid in it might be sufficient to start it upon its road. Now, I don't know whether I am right in this or not.

Mr. Munson: May I interrupt you long enough to say what was answered to that last year? It was

said that that objection seemed to be there; but the answer was, it is so easy to increase the capital stock. The law provides that that may easily be done if further money is needed after the business is on its feet. That was advanced to meet the objection you suggest.

Mr. Pratt: I should suppose there would be a provision, of course, in reference to increasing the capital stock; but does not the law now permit an increase of the capital stock when the original subscription is not fully paid up? I think it would be required to have a further amendment there.

Mr. Munson: Even now the capital stock may be increased without the original stock being paid in.

Mr. Pratt: That is wrong. That was the foundation of one of the largest suits we ever had in Toledo upon a question in which millions of dollars were involved in liabilities, where stock had been only ten per cent. of the original paid up, and an increase of three or four hundred thousand dollars made in the authorized capital stock without payment of that balance; but so far as this provision is concerned, I don't undertake to say but what the position may be correct. I simply rose for the purpose of getting a little instruction upon the subject, and finding out whether it was right or not. I think I will not make any motion on the subject.

The Chair: I think the record will show that Mr. Wald's Report was made as a minority report; and that Judge Munson's report was regarded as the minority report. If I am right upon that, I think it proper in order to keep the record of our proceedings straight to have a vote taken first upon the minority report, and that acted upon.

Mr. Munson: Mr. Chairman, may I explain a moment? Mr. Wilson's motion now obviates any difficulty

of that kind; because we simply report having failed to agree—we two having failed to agree; now that brings the matter back to the house as the measure was proposed before the committee was appointed. The Special Committee has not been able to do anything; is unable to make a report. These reports, mine and Mr. Wald's, needn't be acted upon; but Mr. Wilson's motion simply designated what he meant by the measure as at first proposed, by naming it as the one that I advocated; that's all. I think his motion is perfectly plain.

The Chair: The explanation by Judge Munson seems to be perfectly satisfactory.

A Member: I rise to a point of order. Preliminary to that, I will ask a question, if this matter was not yesterday by vote of this Association referred back to the committee for report another year?

The Chair: No, sir, it was postponed till this morning at 11 o'clock.

The Chair put the question on the motion by Mr. Wilson, and the same carried.

Mr. Johnson, of Cincinnati: Though a little out of order, I want to call the attention of the Association to a matter we took up last year, found at page 129 of the last year's Proceedings, viz.:

"Resolved, That it is the sense of this Association that the salaries of the judges of the Supreme Court of Ohio should be increased to a sum commensurate with the dignity of the position, and the arduous duties of the office."

I want to move you, Mr. Chairman, that a committee of five be appointed by the Chair, of which you shall be *ex officio* chairman, to present this matter to the Legislature; and that that committee be authorized to appoint a sub-committee, consisting of a member from every county in the State; so that they may make a

united effort to obtain that increase. It is a burning shame and reproach that the judges of the Supreme Court of Ohio should be so inadequately paid. Their salary is considerably less than that of inferior officers of the State, less than in any state of the same size in the United States; and they are deserving, their labors are deserving of an adequate salary of at least $6,000. If I am not out of order, I shall ask for a second to my motion.

The motion was seconded.

The Chair: You have heard the motion. Are there any remarks?

There being none, the question was put, and carried unanimously.

Mr. Brumback: Yesterday section 5, of the Report of the Committee on Judicial Administration and Legal Reform, was passed by until after we should hear Mr. Kibler's paper of to-day. I now move you Mr. Chairman, that that section be adopted.

Motion seconded, put and carried.

The Chair announced that if no further business to be considered a motion for recess would be in order.

After some discussion as to the hour for reassembling, it was decided on motion to meet at 1:30 P. M., in order if possible to permit those desiring to get away on the 3:15 P. M. boat to hear the addresses of the afternoon.

The Chair announced his appointment of the following as the committee to consider and report upon the matter of taxation next year, in pursuance of Gov. Jones' motion, viz.: Messrs. C. D. Wightman, Medina; Harlan F. Burket, Findlay; A. F. Broomhall, Troy.

On motion adjourned for noon recess.

Third Day—Afternoon Session.

The convention met pursuant to recess, Acting President John D. Sullivan, of Columbus, in the Chair.

Chairman Sullivan: Gentlemen of the Association, Judge Pratt, who was to deliver the first address on the program this afternoon, is at dinner and will be here in a few moments. The time, however, will be occupied by Judge John A. Shauck, who is on the program to deliver the next address, Mr. Bannon not being in attendance here. I therefore take pleasure in introducing to you Judge Shauck. He has endeared himself to the Ohio State Bar Association not only by his ability, but by his cheerfulness and willingness to respond to every call made upon him by the Association at any time and under any and all circumstances. The ability, integrity and honesty which are part and parcel of his composition are the pride of the lawyers of Ohio. He has well deserved the position which he now occupies, and it is only necessary for me to announce his name to command your attention—Judge John A. Shauck, who will address you on "Unreported Cases."

Judge Shauck delivered an address, for which see Appendix.

Chairman Sullivan: A few moments ago gentlemen, I introduced to you the distinguished gentleman who has just taken his seat. Every word said regarding him may be repeated regarding Judge Pratt. He has been with this Association from the beginning. He has labored industriously and assiduously for its success; and the success which it prides itself in today is due largely to his efforts, his energy and his great ability. If there are any two men whom this Associa-

tion delights to honor they are Judge John A. Shauck and Charles Pratt.

I now have the pleasure of presenting Judge Pratt to you, who will address you on the subject of "Divorce Laws."

Judge Pratt then delivered an address, which will be found in Appendix.

W. H. A. Read, Toledo: I move you, Mr. Chairman, that a committee of five be appointed by the Chair hereafter, their names to be by him communicated to the Secretary as of today, the said Committee to present to the Legislature our views on the municipal bill reported by the Codifying Commission. We this morning adopted section 5 of the Report of the Committee on Judicial Administration and Legal Reform, which provides for action, but does not say who is to appoint the Committee, or of how many it shall be constituted.

The motion was seconded.

The Chair: The motion by Mr. Mead is that the Chair appoint a committee of five to report on the municipal bill, and to assist the Commission upon that bill before the Legislature; and that the Chair be given the privilege to name the members of that committee at some future time, and publish their names in the Law Bulletin. Are you ready for the question?

The question was called for. Adopted.

The Chair: I desire to say that the committee of five to be named to see if the salary of the judges of the Supreme Court cannot be increased will be appointed by the Chair later also, and duly announced in the Ohio Legal News and Law Bulletin.

The Secretary: I think the committees should be announced so as to get them in our report.

The Chair: They will be announced at the proper time.

Mr. Hathaway: In the call of the Ninth District yesterday for names of members deceased during the year, the name of Hon. Stephen A. Northway, of Jefferson, was omitted. I desire now, if it be proper, to have the death of Mr. Northway announced; and would move that the action of the Bar of Ashtabula county be forwarded to the Chairman of Committee on Legal Biography, Gen. Harris, and incorporated in this year's proceedings, with proper mention of the Hon. Stephen A. Northway. Judge Harris suggested to me that that was the proper course.

I would like to have Mr. Northway eulogized in a fitting manner. He was a distinguished member of the Bar; and at the time of his death was a member of Congress. I think a memorial upon him should be in our proceedings. I therefore offer that motion, if such action is necessary.

The Chair: It is moved and seconded that the memorial on Hon. Stephen A. Northway be referred to the Committee on Legal Biography, and published in the annual report.

Question put, and carried.

Chairman Harris, of that Committee, requested that all who had not done so would kindly forward to him autobiographies as heretofore requested.

The Chair: The next question is on the adoption of the Report of the Committee on Judicial Administration and Legal Reform. Some part of it was delayed until we should have heard from Judge Shauck.

Mr. Mead; I understand that the author of the resolution covered by section 1, of the Report, desires that the matter be postponed for another year. I make a motion to that effect.

Motion seconded, and put and carried.

The Chair: The question is now upon the adoption of the Report as amended. Are you ready for the question.

Carried, without debate.

The Chair: The Report as amended is adopted.

Secretary Mykrantz: I would move that the work assigned by the program for tomorrow morning be taken up this afternoon, and disposed of; so that when we adjourn this afternoon it will be until July 10th of next year. Carried.

The Chair: The next business is election of officers. Is the Committee on Nomination ready to report?

The Secretary of said Committee, Mr. W. R. Pomerene, of Coshocton, read the following:

Report of Committee on Nomination of Officers to the Ohio State Bar Association:

The Committee on Nomination of officers begs to report that it recommends the following nominations, to-wit:

President—Peter A. Laubie, Salem, O.

Secretary—H. A. Mykrantz, Ashland, O.

Treasurer—L. H. Pike, Toledo, O.

Respectfully submitted:

Attest: GUSTAVUS H. WALD, chairman.

W. R. Pomerene, Secretary.

J. J. Moore: I move the adoption of the report.

Seconded, and unanimously adopted.

The Chair: The motion prevails unanimously. The officers as reported by the Committee on Nominations are elected for the ensuing year.

I announce to represent the Ohio State Bar Association at the American Bar Association meeting at Buffalo the last week in August, the following: Hon. R. D. Marshall, Dayton; Hon. N. D. Tibbals, Akron; Hon. H. J. Booth, Columbus.

Mr. Noble: It has been frequently the case that the delegates appointed to the American Bar Association meeting fail to attend. I move, therefore, that three alternates be named. Carried.

The Chair appointed the following: Messrs. James H. Anderson, of Columbus; S. M. Johnson, of Cincinnati; W. H. A. Read, of Toledo.

W. W. Hole: I desire, Mr. Chairman, to move that a vote of thanks by this Association be tendered to Judges John A. Shauck and Charles Pratt, respectively, for the very able and interesting addresses delivered by them before this Association.

Unanimously adopted.

The Chair: The vote is unanimous, and the vote of thanks is cheerfully tendered to the distinguished gentlemen.

The Secretary: The Committee on Railroads and Transportation is usually appointed by the Chair, if the Chair will permit me to suggest.

The Chair: The Special Committee on Railroads and Transportation, consisting of Messrs. R. D. Marshall, Dayton; L. K. Parks, Toledo, and A. J. Woolf, Youngstown, will be continued.

Mr. Read: Mr. Parks is in Cuba, and will probably be unable to serve.

The Secretary suggested the name of Mr. W. C. Boyle, of Salem.

The Chair: Mr. Boyle will be substituted.

J. J. Moore: I move that the subject of Corpora-

tions be referred again to the same Committee, to report at the next meeting.

Judge Moore was informed that the subject had been disposed of during the morning session, and withdrew his motion.

The Chair: What is the further pleasure of the Association?

J. J. Moore: Imove that we adjourn, if there is no further business.

Chairman Sullivan: It is proper that I should say to you before adjournment that I have attempted to preside here, in the absence of the President, under great difficulties. I have had a severe cold, and it has been very awkward, giving me a great deal of annoyance. I am delighted with the assembly that came here this year. I have attended these meetings for twenty years; I was at the beginning of this organization, and I have been at every one of these meetings except the last one. I confess the meetings of the Association seem to be more and more agreeable, growing more sociable, and tending not only to the advancement of our profession, but of the Bar and Bench generally. I trust that the same interest that has been taken in the past in this organization will continue, and that each and every member will regard himself as a committee of one to induce other members of the Bar throughout the State to come here and attend our meetings, and be one of our membership. It is an organization that brings great good not only to the lawyers of our State, but the public generally. The lawyer has no interest apart from that of the community at large; an honest lawyer knows only the public interest, the public good; and that has been the great aim of this organization since its commencement down to the present day.

I desire to express my thanks for the courtesy extended to me as presiding officer of this body since the President withdrew; and I shall now put the motion to adjourn.

Mr. Anderson: Before that motion is put, I would move, that the thanks of this Association be tendered to Mr. John D. Sullivan, the Acting President, for the able and impartial manner in which he has discharged the duties of the office, and for the many services he has rendered the Association.

The motion was seconded, and being put by Mr. Anderson, it carried unanimously.

On motion, adjourned to July 10, 1900.

OFFICERS.

President.

Peter A. Laubie.....Salem.

Secretary.

H. A. Mykrantz.....Ashland.

Treasurer.

L. H. Pike .....Toledo.

Vice Presidents.

1st District.....Gustavus H. Wald, Cincinnati.
2nd District.....Oscar T. Martin, Springfield.
3rd District..... H. G. Baker, Defiance.
4th District.....George B. Solders, Cleveland.
5th District.....John D. Sullivan, Columbus.
6th District.....S. M. Douglas, Mansfield.
7th District.....Thomas Cherrington, Ironton.
8th District.....J. Dunbar, Steubenville.
9th District.....T. I. Gilmer, Warren.
10th District.....Warren P. Noble, Tiffin.

Standing Committees.

Executive Committee.

Chairman..... J. O. Troup, Bowling Green.
Secretary..... H. A. Mykrantz, Ashland.
1st District..... Francis B. James, Cincinnati.
2nd District..... R. D. Marshall, Dayton.
3rd District..... S. S. Wheeler, Lima.
4th District..... N. D. Tibbals, Akron.
5th District..... J. N. Van Deman, Washington C. H.
6th District..... Edward Kibler, Newark.
7th District..... A. R. Johnston, Ironton.
8th District..... John L. Locke, Cambridge.
9th District..... J. P. Wilson, Youngstown.
10th District..... J. O. Troup, Bowling Green.

Peter A. Laubie, Salem,
H. A. Mykrantz, Ashland, } *Ex-officio.*

Committee on Judicial Administration and Legal Reform.

Chairman..... H. J. Booth, Columbus.
Secretary..... Simeon M. Johnson, Cincinnati.
1st District..... Simeon M. Johnson, Cincinnati.
2nd District..... A. F. Broomhall, Troy.
3rd District..... E. B. Kingsbury, Defiance.
4th District..... W. R. Hopkins, Cleveland.
5th District..... H. J. Booth, Columbus.
6th District..... J. W. Barrie, Mt. Gilead.
7th District..... Nelson W. Evans, Portsmouth.
8th District..... John J. Adams, Zanesville.
9th District..... Charles Fillius, Warren.
10th District..... A. B. Johnson, Kenton.

Committee on Admissions and Elections.

Chairman.....W. H. A. Read, Toledo.
Secretary.....Wm. M. Welden, Mansfield.
1st District.....Wm. H. Jackson, Cincinnati.
2nd District.....Val. Hartman, Greenville.
3rd District.....G. W. Risser, Ottawa.
4th District.....W. H. A. Read, Toledo.
5th District.....E. B. Dillon, Columbus.
6th District.....W. M. Welden, Mansfield.
7th District.....H. C. Johnston, Gallipolis.
8th District.....E. M. Kennedy, McConnelsville.
9th District.....G. F. Arret, Youngstown.
10th District.....Harlan F. Burket, Findlay.

Committee on Legal Education.

Chairman.....
Secretary.....
1st District.....Ferdinand Jelke, Jr., Cincinnati.
2nd District.....L. F. Limbert, Dayton.
3rd District.....J. W. Halfhill, Lima.
4th District.....H. Van Campen, Jr., Toledo.
5th District.....W. O. Henderson, Columbus.
6th District.....C. A. Levering, Mt. Vernon.
7th District.....Henry Collings, Manchester.
8th District.....Jesse W. Hollingsworth, St. Clairsville.
9th District.....P. M. Smith, Lisbon.
10th District.....J. K. Rohn, Tiffin.

Committee on Grievances.

Chairman.....Chase Stewart, Springfield.
Secretary.....R. W. Johnston, Galion.
1st District.....A. C. Cassatt, Cincinnati.
2nd District.....Chase Stewart, Springfield.
3rd District.....W. H. Snook, Paulding.
4th District.....Chas. S. Bently, Cleveland.
5th District.....J. M. Thomas, Chillicothe.
6th District.....John McSweeney, Wooster.

7th District.....L. M. Jewett, Athens.
8th District.....Francis H. Southard, Zanesville.
9th District.....Theodore Hall, Ashtabula.
10th District.....R. W. Johnston, Galion.

Committee on Legal Biography.

Chairman.....S. R. Harris, Bucyrus.
Secretary.....J. H. Anderson, Columbus.
1st District.....J. C. Harper, Cincinnati.
2nd District.....H. M. Cole, Greenville.
3rd District.....J. M. Sheets, Ottawa.
4th District.....Charles Pratt, Toledo.
5th District.....J. H. Anderson, Columbus.
6th District.....J. D. Jones, Newark.
7th District.....J. W. Bannon, Portsmouth.
8th District.....J. A. Ivers, McConnelsville.
9th District.....J. J. Clark, Canton.
10th District.....S. R. Harris, Bucyrus.

(Special) Committee on Railroads and Transportation.

R. D. Marshall.....Dayton.
W. C. Boyle.....Salem.
A. J. Woolf.....Youngstown.

Delegates to American Bar Association.

R. D. Marshall.....Dayton.
N. D. Tibbals.....Akron.
H. J. Booth.....Columbus.

Alternates: Jas. H. Anderson, Columbus; S. M. Johnson, Cincinnati; W. H. A. Read, Toledo.

Committee to Secure Passage of an Act to Increase Salary of Supreme Court Judges.

Simeon Johnson, Chairman.....Cincinnati.
H. B. Arnold.....Columbus.

Asa W. Jones.....Youngstown.
Edward Kipler.....Newark.
James A. Troup.....Bowling Green.

Committee to Urge the Passage of Municipal Code Bill.

Simeon Johnson.....Cincinnati.
H. B. Arnold.....Columbus.
A. W. Jones.....Youngstown.
James A. Troup.....Bowling Green.
E. J. Blandin.....Cleveland.

MEMBERS

OF

The Ohio Bar Association.

Abernethy, Isaac N.	Circleville.
Abernethy, T. J.	Circleville.
Adams, John J.	Zanesville.
Alban, W. R.	Steubenville.
Albery, F. F. D.	Columbus.
Albery, H. B.	Columbus.
Alread, J. I.	Greenville.
Ammerman, Chas.	Barberton.
Anderson, James H.	Columbus.
Anderson, Julius L.	Ironton.
Anderson, William S.	Youngstown.
Andrews, Allen	Hamilton.
Arnold, H. B.	Columbus.
Arras, Edmond	Columbus.
Arrel, George F.	Youngstown.
Ashley, Charles S.	Toledo.
Aubert, Chas.	Columbus.
Austin, Jas., Jr.	Toledo.
Babcock, W. E.	Columbus.
Bacon, Willis	Tiffin.
Badger, D. C.	Columbus.
Baker, H. J.	Defiance.
Baker, Rufus H.	Toledo.
Baldwin, Frank L.	Massillon.
Baldwin, S. Prentice	Cleveland.
Bannon, J. W.	Portsmouth.

Bargar, B. L.	Columbus.
Barry, John W.	Mt. Gilead.
Bartlett, Robert F.	Mt. Gilead.
Bassett, George A.	Toledo.
Beard, E. M.	Toledo.
Beavis, William H.	Cleveland.
Beckwith, George H.	Toledo.
Beer, Thomas	Bucyrus.
Belford, Irvin	Toledo.
Bell, H. E.	Mansfield.
Benner, C. C.	Akron.
Bennett, S. W.	Bucyrus.
Bentley, Charles S.	Cleveland.
Betts, John E.	Findlay.
Bierley, Thos. N.	Toledo.
Bigger, Thos. M.	Columbus.
Bingham, Edward F.	Washington, D. C.
Black, Harry P.	Tiffin.
Black, L. C.	Cincinnati.
Black, T. F.	Mansfield.
Blankner, George C.	Columbus.
Blosser, Peter J.	Chillicothe.
Blue, Clayton E.	Columbus.
Blymyer, Wm. H.	New York City, Empire Bldg.
Boehmer, Amos	Ottawa.
Booth, H. J.	Columbus.
Boothman, M. W.	Bryan.
Bow, Charles C.	Canton.
Bowers, W. H.	Mansfield.
Bowman, D. W.	Greenville.
Boyle, W. C.	Salem.
Boynton, W. W.	Cleveland.
Bradbury, J. P.	Columbus.
Bradley Herbert E.	Columbus.
Brailey, Moses R.	Toledo.
Brewer, A. T.	Cleveland.
Brice, Herbert L.	Lima.
Brinker, E. W.	Columbus.

Brinkerhoff, Roeliff, Jr.	Mansfield.
Brooks, Chas. T.	Salem.
Brooks, J. Twing	Salem.
Broomhall, A. F.	Troy.
Brown, Clarence	Toledo.
Brown, E. A.	Circleville.
Brown, Frank I.	Columbus.
Brucker, Lewis	Mansfield.
Brumback, O. S.	Toledo. [Cor. 14th & 9th Sts.
Bryan, Frederick C.	Washington, D. C., N. W.
Buckland, H. S.	Fremont.
Bunker, Henry S.	Toledo.
Burket, Harlan F.	Findlay.
Burket, Jacob F.	Columbus.
Burr, Charles E., Jr.	Columbus.
Burrows, J. B.	Painesville.
Bunts, Harry C.	Cleveland.
Burton, Theodore E.	Cleveland.
Cable, Davis J.	Lima.
Cadwell, J. P.	Jefferson.
Carey, Robert	Upper Sandusky.
Carpenter, Frank B.	Cleveland.
Carpenter George W.	Delaware.
Carr, W. F.	Cleveland.
Carrott, A. C.	Cincinnati.
Casey, James R.	Salem.
Chapman, H. B.	Cleveland.
Chase, George A.	Toledo.
Cherrington, Thomas	Ironton.
Chittenden, Chas. E.	Toledo.
Clark, A. H.	East Liverpool.
Clark, James J.	Canton.
Clark, John C.	Greenville.
Clark, J. D.	Dayton.
Cleveland, Harlan	Cincinnati.
Clouse, C. C.	Columbus.
Cobb, C. S.	Akron.
Coldham, Ashton H.	Toledo.

Cole, Edwad. E.	Columbus.
Cole, H. M.	Greenville.
Collings, Henry	Manchester.
Collins, James H.	Columbus.
Conley, Thos. F.	Bowling Green.
Cook, E. S.	Cleveland.
Cook, J. M.	Steubenville.
Cooper, William C.	Mt. Vernon.
Cox, Allen M.	Conneaut.
Cox, Joseph	Cincinnati.
Coyner, George	Delaware.
Craig, G. Ray	Norwalk.
Crane, A. P.	Toledo.
Creed, Jerome D.	Cincinnati.
Crew, W. B.	McConnelsville.
Crider, Rollen	Columbus.
Crow, H. M.	Urbana.
Crosbie, John J.	Columbus.
Crum, Ira H.	Columbus.
Cummings, Jos. W.	Toledo.
Cunimings, S. G.	Mansfield.
Cushing, William E.	Cleveland.
Daugherty, Harry M.	Washington C. H.
Davis, W. Z.	Marion.
Day, David B.	Canton.
Day, James H.	Celina.
Day, William R.	Canton.
Dempsey, Edward J.	Cincinnati.
Dempsey, James H.	Cleveland.
Dennis, Jerry	Columbus.
Dewey, Thomas P.	Clyde.
Dickman, E. J.	Cleveland.
Dickey, Moses R.	Cleveland.
Dillon, Edmund B.	Columbus.
Donahue, Maurice, H.	New Lexington.
Dore, Frank T.	Tiffin.
Douglas, Albert	Chillicothe.
Douglass, S. M.	Mansfield.

Doyle, D. A.	Akron.
Doyle, John H.	Toledo.
Duff, John	Oak Harbor.
Dunn, Robt.	Bowling Green.
Dustin, Alton C.	Cleveland.
Dustin, C. W.	Dayton.
Eastman, E. R.	Ottawa.
Ellenwood, L. W.	Marietta.
Elliott, Lee	Seville.
Ellis, Wade H.	Cincinnati.
Emery, Thomas	Toledo.
Evans, Nelson W.	Portsmouth.
Ferris, Aaron A.	Cincinnati.
Fillius, Chas.	Warren.
Finch, J. D.	Clyde.
Fisher, Elam	Eaton.
Fitch, Winchester	Ashtabula.
Flagg, Frederick, J.	Toledo.
Flory, Chas. L.	Newark.
Follett, A. D.	Marietta.
Follett, John F.	Cincinnati.
Follett, Martin D.	Marietta.
Folsom, Henry P.	Circleville.
Frank, Jno. L. H.	Dayton.
Friedman, Chas. K.	Toledo.
Fritz, George	Ottawa.
Fuller, Clifford W.	Cleveland.
Fuller, R.	Toledo.
Fulton, T. B.	Newark.
Funck, Ross W.	Wooster.
Gallaher, J. A.	Bellaire.
Galloway, Tod B.	Columbus.
Garfield, Harry R.	Cleveland.
Garfield, James R.	Cleveland.
Garrett, Geo. L.	Hillsboro.
Gaston, Isaac H.	St. Clairsville.
Geddes, F. L.	Toledo.
Gibson, W. T.	Youngstown.

Gilbert, L. L.	Pittsburgh, Pa.
Gilbert, Wm. H.	Troy.
Gilmer, T. I.	Warren.
Gilmer, Thomas H.	Warren.
Gilmore, C. R.	Columbus.
Goeke, J. H.	Wapakoneta.
Goff, Frank H.	Cleveland.
Gordon, Harry L.	Cincinnati.
Gordon, William	Port Clinton.
Granger, Moses M.	Zanesville.
Granger, Sherman M.	Zanesville.
Greer, J. T.	Toledo.
Gregg, Henry	Steubenville.
Greve, Chas. D.	Cincinnati.
Griffen, L. E.	Hicksville.
Griffith, Barton	Columbus.
Groesbeck, Herman	Cincinnati.
Groot, Geo. A.	Cleveland.
Grosvenor, Charles H.	Athens.
Guenther, W. G.	Cleveland.
Guernsey, Chas. L.	Fostoria.
Groff, Warren Noble	Tiffin.
Gunckel, L. B.	Dayton.
Gumble, Henry	Columbus.
Hackedorn, W. E.	Indianapolis, Ind.
Hagan, F. M.	Springfield.
Hale, Jno. C.	Cleveland.
Hall, Theodore	Ashtabula.
Halfhill, James W.	Lima.
Hamilton, Jas. K.	Toledo.
Hammond, Eli S.	Memphis, Tenn.
Harmon, Judson	Cincinnati.
Harper, J. C.	Cincinnati.
Harrington, W. R.	Bowling Green.
Harris, H. W.	Alliance.
Harris, Stephen R.	Bucyrus.
Harris, W. H.	Toledo.
Harrison, Richard A.	Columbus.

Harrison, Jos. T.	Cincinnati.
Harter, Henry W.	Canton.
Hartman, Val.	Greenville.
Hassett, Robert P.	Cincinnati.
Hathaway, I. N.	Chardon.
Hayes, Burchard A.	Toledo.
Haynes, George R.	Toledo.
Heath, Frank	Defiance.
Heinlein, J. C.	Bridgeport.
Henderson, W. O.	Columbus.
Henry, Frederick A.	Cleveland.
Herrick, Frank R.	Cleveland.
Herrick, G. E.	Cleveland.
Herron, John W.	Cincinnati.
Hertenstein, Fred	Cincinnati.
Heywood, Fred H.	Columbus.
Hines, Clark E.	Belleville.
Hogan, James J.	Cleveland.
Hogsett, F. H.	Cleveland.
Holbrook, Ralph S.	Toledo.
Hole, Warren W.	Salem.
Hollingsworth, J. W.	St. Clairsville.
Hollingsworth, D. A.	Cadiz.
Holmes, J. T.	Columbus.
Hopkins, E. H.	Cleveland.
Hopkins, W. R.	Cleveland.
Hoskins, E. L.	Sidney.
Houck, Lewis B.	Mt. Vernon.
Howe, Theodore E.	Cleveland.
Howland, Paul	Cleveland.
Hoyt, James H.	Cleveland.
Hubbard, Frank C.	Columbus.
Hubbard, Wm. H.	Defiance.
Huling, Cyrus	Columbus.
Hull, Linn W.	Sandusky.
Hunt, Samuel F.	Cincinnati
Huntsberger, I. N.	Toledo.
Hutchins, Francis E.	Warren.

Ingersoll, A. F.	Cleveland.
Irvine, E. C.	Columbus.
Ivers, J. A.	McConnelsville.
Jackson, Wm. H.	Cincinnati.
Jahn, Carl G.	Columbus.
James, Francis B.	Cincinnati.
James, W. D.	Waverly.
Jenny, Herbert	Cincinnati.
Jelke, Ferdinand, Jr.	Cincinnati.
Jerome, F. J.	Cleveland.
Jewett, L. M.	Athens.
Johnston, A. R.	Ironton.
Johnson, Artemas	Kenton.
Johnson, Isaac	Wooster.
Johnson, Ben W.	Elyria.
Johnson, E. G.	Elyria.
Johnson, Simeon M.	Cincinnati.
Johnston, R. W.	Galion.
Johnston, Hollis C.	Gallipolis.
Johnston, J. R.	Youngstown.
Jones, John David	Newark.
Jones, Asa W.	Youngstown.
Keating, Chas. H.	Mansfield.
Keifer, Wm. W.	Springfield.
Kennan, A. W.	St. Clairsville.
Kennedy, Edwin M.	McConnelsville.
Kennedy, James	Youngstown.
Kibler, Edward	Newark.
King, Edmund B.	Sandusky.
King, H. E.	Toledo.
Kingsbury, B. B.	Defiance.
Kinkead, E. B.	Columbus.
Kirby, Geo. P.	Toledo.
Kiskadden, Alexander	Tiffin.
Kline, Virgil P.	Cleveland.
Kohler, G. C.	Akron.
Kohler, Jacob A.	Akron.
Kohn, Samuel	Toledo.

Koons, W. M.	Mt. Vernon.
Kransefky.	Tiffin.
Krauss, W. C. G.	Ottawa.
Krichbaum, Chas.	Canton.
Krumm, Alex. W.	Columbus.
Kuhn, Oscar W.	Cincinnati.
Kumler, John F.	Toledo.
Laning, J. F.	Norwalk.
Laubie, Peter A.	Salem.
Laudey, Chas. A.	Marietta.
Leidig, John W.	Mansfield.
Levering, Frank O.	Mt. Vernon.
Lewis, A. W.	Galion.
Lewis, Charles T.	Toledo.
Lewis, P. P.	Steubenville.
Limbert, L. F.	Dayton.
Lincoln, George	London.
Linn, T. P.	Columbus.
Littleford, William	Cincinnati.
Livesay, Theodore M.	Columbus.
Locke, D. W.	Bucyrus.
Locke, John L.	Cambridge.
Long, Geo. S.	Troy.
Loomis, John Cooper	Tiffin.
Loree, John W.	Celina.
Mackey, J. H.	Cambridge.
Marshall, A. M.	Dayton.
Marshall, R. D.	Dayton.
Martin, Chas. D.	Lancaster.
Martin, Oscar T.	Springfield.
Marvin, David L.	Akron.
Marvin, U. L.	Akron.
Mathers, Hugh T.	Sidney.
Matthews, C. B.	Cincinnati.
Matthews, Edwin P.	Dayton.
Maxwell, Lawrence, Jr.	Cincinnati.
May, Manuel	Mansfield.
McBride, C. E.	Mansfield.

McCarter, Edward B.	Columbus.
McCarty, T. T.	Canton.
McCaslin, Thos. A.	Cleveland.
McCauley, John	Tiffin.
McClure, Wm. T.	Columbus.
McCracken, Geo. W.	Urbana.
McCrystal, John F.	Sandusky.
McElhiney, J. W.	McConnelsville.
McDonnel, T. J.	Toledo.
McGraw, Harrison B.	Cleveland.
McGregor, John, Jr.	Cleveland.
McGuffey, John G.	Columbus.
McIntire, A. R.	Mt. Vernon.
McKee, Richard	Toledo.
McKinley, Wm.	Washington, D. C.
McKisson, Robert	Cleveland.
McKnight, Joseph R.	Norwalk.
McMahon, Harry H.	Columbus.
McMahon, John A.	Dayton.
McSweeney, John.	Wooster.
Melhorn, Chas. M.	Kenton.
Melchers, Milo	Toledo.
Merrill, A. H.	Toledo.
Metzger, Lewis P.	Salem.
Millard, I. I.	Toledo.
Miller, Chas. R.	Canton.
Miller, Ira H.	Columbus.
Milligan, David H.	St. Clairsville.
Millikin, Thomas	Hamilton.
Minshall, Thaddeus A.	Columbus.
Monnett, F. S.	Bucyrus.
Monnette, O. E.	Bucyrus.
Mooney, W. T.	St. Mary's.
Moore, E. V.	Sidney.
Moore, E. H.	Youngstown.
Moore, Fred'k K.	Cincinnati.
Moore, J. J.	Ottawa.
Morrill, Henry A.	Cincinnati.

Morris, L. W.	Toledo.
Morton, E. C.	Columbus.
Mullins, F. J.	Salem.
Munson, Gilbert D.	Zanesville.
Musser, Harvey	Akron.
Mykrantz, H. A.	Ashland.
Nash, George K.	Columbus.
Nicoll, George A.	Ashland.
Noble, Warren P.	Tiffin.
Northrup, Chas. S.	Toledo.
Norris, M. A.	Youngstown.
Nye, D. J.	Elyria.
O'Hara, Joseph W.	Cincinnati.
Oldham, F. F.	Cincinnati.
Osborne, C. W.	Painesville.
Osborne, Samuel G.	Columbus.
Overturf, N. F.	Delaware.
Otis, E. P.	Akron.
Owen, Selwyn N.	Columbus.
Parker, Robert S.	Bowling Green.
Parks, L. K.	Toledo.
Parmenter, W. L.	Lima.
Patterson, F. N.	Ashland.
Patterson, J. C.	Dayton.
Patterson, M. R.	Columbus.
Peters, Geo. S.	Columbus.
Phare, Wm. S.	Cleveland.
Piero, Wm. J.	Canton.
Pike, Louis H.	Toledo.
Plummer, John L.	Springfield.
Platt, James H.	Tiffin.
Poland, John A.	Chillicothe.
Pollock, John	St. Clairsville.
Pomerene, Atlee	Canton.
Pomerene, Frank E.	Coshocton.
Pomerene, W. R.	Coshocton.
Potter, E. D., Jr.	Toledo.
Pratt, Charles	Toledo.

Price, James L.	Lima.
Probasco, H. R.	Glendale.
Prophet, H. S.	Lima.
Pugsley, Isaac P.	Toledo.
Ramsey, Robert	Cincinnati.
Randall, E. O.	Columbus.
Ranney, Henry C.	Cleveland.
Read, W. H. A.	Toledo.
Read, M. C.	Hudson.
Reagan, James P.	Napoleon.
Rehm, Ernest	Cincinnati.
Richie, Walter B.	Lima.
Ricks, A. J.	Cleveland.
Riley, George B.	Cleveland.
Riser, G. W.	Ottawa.
Ritchie, J. M.	Toledo.
Ritchie, Edwards	Cincinnati.
Roetker, Frank J.	Cincinnati.
Roelker, Frederick G.	Cincinnati.
Rohn, J. K.	Tiffin.
Royer, J. C.	Tiffin.
Russell, L. A.	Cleveland.
Ryan, Daniel J.	Columbus.
Sage, George R.	Lebanon.
Sayler, Milton	Tiffin.
Sams, Oliver N.	Hillsboro.
Sanderson, T. W.	Youngstown.
Sanford, Henry C.	Akron.
Sater, J. E.	Columbus.
Sayler, John R.	Cincinnati.
Schaufelberger, J. W.	Tiffin.
Schlesinger, J.	Columbus.
Shatzel, J. E.	Bowling Green.
Scribner, Harvey	Toledo.
Scroggs, C. J.	Bucyrus.
Seiders, C. A.	Toledo.
Seney, Henry M.	Kenton.
Seward, C. W.	Newark.

Seymour, J. W.	Medina.
Shauck, John A.	Columbus.
Sheppard, A. J.	Zanesville.
Siddal, J. D.	Ravenna.
Simmons, Geo. D.	Hicksville.
Sinks, Frederick N.	Columbus.
Sloane, Ulric,	Columbus.
Smalley, Allen	Upper Sandusky.
Smith, A. L.	Toledo.
Smith, J. Harrison	Piqua.
Smith, Barton	Toledo.
Smith Halbert D.	Cleveland.
Smith, P. M.	Lisbon.
Smith, H. Lindale	Cleveland.
Smith, P. C.	Circleville.
Smith, Rufus B.	Cincinnati.
Snook, W. H.	Paulding.
Snyder, Otto Carleton	Cleveland.
Solders, Chas B.	Cleveland.
Solders, G. B.	Cleveland.
Southard, E. B.	Toledo.
Southard, F. H.	Zanesville.
Southard, J. H.	Toledo.
Sowers, Daniel H.	Columbus.
Spear, William Thomas	Columbus.
Spiegel, F. S.	Cincinnati.
Spriggs, John M.	Dayton.
Squire, Andrew	Cleveland.
Stevens, F. M.	Elyria.
Stearns, Arthur A.	Hillsboro.
Steel, S. F.	Fostoria.
Steele, Thos. E.	Columbus.
Stephens, Jesse	Fostoria.
Stewart, Chase	Springfield
Stewart, Gilbert H.	Columbus.
Stivers, Frank A.	Ripley.
Stockdale, John F.	Cambridge.
Stoehr, Oscar.	Cincinnati.

Stuart, Edwin W.	Akron.
Stueve, C. A.	Wapakoneta.
Stull, John M.	Warren
Sullivan, John D.	Columbus.
Sullivan, Jno. J.	Warren.
Sullivan, Theodore	Troy.
Sumner, Charles E.	Toledo.
Swayne, F. B.	New York City.
Swayne, Noah H., Jr.	Toledo.
Sweeney, J. R.	Steubenville.
Talcott, W. E.	Cleveland.
Tabor, Ira C.	Toledo.
Taft, Wm. H.	Cincinnati.
Tayler, Anthony W.	Salem.
Tanner, E. E.	Columbus.
Thatcher, Charles A.	Toledo.
Thayer, A. A.	Canton.
Thompson, A. C.	Portsmouth.
Thompson, W. H.	Mt. Vernon.
Thurston, Johnston	Toledo.
Tibbals, Newell D.	Akron.
Tobias, James C.	Bucyrus.
Tolerton, E. W.	Toledo.
Tompkins, Emmett	Columbus.
Tracy, Thomas	Toledo.
Treadway, Francis	Cleveland.
Troup, James O.	Bowling Green.
Twing, Eldred L.	Toledo.
Tyler, Justin H.	Napoleon.
Tyler, Julian H.	Toledo.
Upham, Chas. C.	Canton.
Upson, Wm. H.	Akron.
Van Campen, H.	Toledo.
VanDeman, John N.	Washington C. H.
Vickery, Willis	Cleveland.
Wagner, W. S.	Tiffin.
Waite, Richard	Toledo.
Waite, Henry De H.	Toledo.

Wald, Gustavus H.	Cincinnati.
Warner, C. F.	Columbus.
Ward, J. F.	Columbus.
Warrington, J. W.	Cincinnati.
Watson, James	Columbus.
Webb, S. A.	Columbus.
Weller, H. J.	Tiffin.
Weldan, Wm. McE.	Mansfield.
Welker, Martin	Wooster.
Wells, Frank L.	Wellsville.
Werner, Gustav R.	Cincinnati.
West, William H.	Bellefontaine.
Wheeler, S. S.	Lima.
Wheeler, T. W.	Toledo.
White, Henry C.	Cleveland.
White, John G.	Cleveland.
Wickham, E. M.	Delaware.
Wightman, C. D.	Medina.
Wiggins, Willis H.	Chillicothe.
Wildman, Samuel A.	Norwalk.
Williard, Frederick B.	Toledo.
Williams, M. J.	Columbus.
Williams, C. C.	Columbus.
Williamson, Samuel E.	Cleveland.
Wilcox, T. N.	Cleveland.
Wilson, Harrison	Sidney.
Wilson, Charles G.	Toledo.
Wilson, Gideon	Cincinnati.
Wilson, James P.	Youngstown.
Winch, Lewis H.	Cleveland.
Winn, Simeon M.	Zanesville.
Wise, W. Oliver	Akron.
Wolcott, Herbert W.	Cleveland.
Wood, Lewis J.	Painesville.
Woolf, A. J.	Youngstown.
Workman, C. H.	Mansfield.
Workum, David J.	Cincinnati.
Wright, D. Thew	Cincinnati.

Young, George R.	Dayton.
Young, W. E.	Akron.
Zehring, Augustus	Cleveland.
Zimmerman, John L.	Springfield.

Members Ex-Officio.

Hon. William H. Taft,	Cincinnati.
Hon. George R. Sage,	Lebanon.
Hon. Martin Welker,	Wooster.
Hon. Edward F. Bingham,	Washington, D. C.
Hon. A. J. Ricks,	Cleveland.
Hon. William W. Boynton,	Cleveland.
Hon. J. P. Bradbury,	Pomeroy.
Hon. J. F. Burket,	Findlay.
Hon. Franklin J. Dickman,	Cleveland.
Hon. John H. Doyle,	Toledo.
Hon. Martin D. Follett,	Marietta.
Hon. Moses M. Granger,	Zanesville.
Hon. John McCauley,	Tiffin.
Hon. Charles D. Martin,	Lancaster.
Hon. T. A. Minshall,	Chillicothe.
Hon. George K. Nash,	Columbus.
Hon. Selwyn N. Owen,	Columbus.
Hon. John A. Shauck,	Dayton.
Hon. William Thomas Spear,	Warren.
Hon. William H. Upson,	Akron.
Hon. William H. West,	Bellefontaine.
Hon. M. J. Williams,	Washington C. H.
Hon. D. Thew Wright,	Cincinnati.
Hon. Wm. McKinley,	Washington, D. C.
Hon. Eli S. Hammond,	Memphis, Tenn.
Hon. A. C. Thompson,	Portsmouth.

Members Arranged by Judicial Districts.

FIRST.

Black, L. C.	Cincinnati.
Cleveland, Harlan	Cincinnati.
Cox, Joseph	Cincinnati.
Creed, Jerome D.	Cincinnati.
Dempsey, Edward J.	Cincinnati.
Ellis, Wade H.	Cincinnati.
Ferris, Aaron A.	Cincinnati.
Follett, John F.	Cincinnati.
Greve, Chas. D.	Cincinnati.
Groesbeck, Herman	Cincinnati.
Harper, J. C.	Cincinnati.
Harrison, Jos. T.	Cincinnati.
Harmon, Judson	Cincinnati.
Herron, John W.	Cincinnati.
Hertenstein, Fred	Cincinnati.
Hunt, Samuel F.	Cincinnati.
Jackson, William H.	Cincinnati.
James, Francis B.	Cincinnati.
Jenney, Herbert	Cincinnati.
Johnson, Simeon M.	Cincinnati.
Littleford, Wm.	Cincinnati.
Matthews, C. B.	Cincinnati.
Maxwell, Lawrence, Jr.	Cincinnati.
Moore, Fred'k W.	Cincinnati.
Morrill, Henry A.	Cincinnati.
Oldham, F. F.	Cincinnati.
O'Hara, Joseph W.	Cincinnati.
Probasco, H. R.	Glendale.
Ramsey, Robert	Cincinnati.
Rehm, Ernest	Cincinnati.
Riley, George B.	Cincinnati.

Ritchie, Edwards	Cincinnati.
Roelker, Frederick G.	Cincinnati.
Sayler, John R.	Cincinnati.
Smith, Rufus B.	Cincinnati.
Spiegel, F. S.	Cincinnati.
Stoehr, Oscar	Cincinnati.
Taft, Wm. H.	Cincinnati.
Wald, Gustavus H.	Cincinnati.
Warrington, J. W.	Cincinnati.
Werner, Gustav R.	Cincinnati.
Wilson, Gideon	Cincinnati.
Workum, David J.	Cincinnati.
Wright, D. Thew	Cincinnati.

SECOND.

Alread, J. I.	Greenville.
Andrews, Allen	Hamilton.
Bowman, D. W.	Greenville.
Broomhall, A. F.	Troy.
Clark, John C.	Greenville.
Crow, H. M.	Urbana.
Dustin, C. W.	Dayton.
Fisher, Elam	Eaton.
Frank, John L. H.	Dayton.
Gilbert, Wm. H.	Troy.
Gunckel, L. B.	Dayton.
Hagan, F. M.	Springfield.
Hartman, Val.	Greenville.
Keifer, Wm. W.	Springfield.
Limbert, L. F.	Dayton.
Long, Geo. S.	Troy.
Marshall, R. D.	Dayton.
Martin, Oscar T.	Springfield.
Matthews, Edwin P.	Dayton.
McCracken, George. W.	Urbana.
McMahon, John A.	Dayton.
Millikin, Thomas	Hamilton.
Patterson, J. C.	Dayton.

Plummer, John L.	Springfield.
Sage, Geo. R.	Lebanon.
Shauck, John A.	Dayton.
Smith, J. Harrison	Piqua.
Spriggs, John M.	Dayton.
Stewart, Chase	Springfield.
Sullivan, Theodore	Troy.
Young, George R.	Dayton.
Zimmerman, John L.	Springfield.

THIRD.

Boehmer, Amos	Ottawa.
Boothman, M. M.	Bryan.
Brice, Herbert L.	Lima.
Cable, Davis J.	Lima.
Day, James H.	Celina.
Eastman, E. R.	Ottawa.
Emery, Thomas	Toledo.
Hackendorn, W. E.	Indianapolis, Ind.
Hubbard, Wm. H.	Defiance.
Kingsbury, B. B.	Defiance.
Krauss, W. C. G.	Ottawa.
Leidig, John W.	Mansfield.
Loree, John W.	Celina.
Mathers, Hugh T.	Sidney.
Mooney, W. T.	St. Mary's.
Moore, E. V.	Sidney.
Moore, J. J.	Ottawa.
Parmenter, W. L.	Lima.
Prophet, H. S.	Lima.
Price, James L.	Lima.
Reagan, James P.	Napoleon.
Richie, Walter B.	Lima.
Snook, W. H.	Paulding.
Stueve, C. A.	Wapakoneta.
Tyler, Justin H.	Napoleon.
Wheeler, S. S.	Lima.
Wilson, Harrison	Sidney.

FOURTH.

Ammerman, Chas.	Barberton.
Austin, James, Jr.	Toledo.
Ashley, Charles S.	Toledo.
Baker, Rufus H.	Toledo.
Beavis, William H.	Cleveland.
Belford, Irvin	Toledo.
Bentley, Chas. S.	Cleveland.
Benner, C. C.	Akron.
Bierly, Thos. N.	Toledo.
Boynton, W. W.	Cleveland.
Brewer, A. T.	Cleveland.
Brumback, O. S.	Toledo.
Bryan, Frederick C.	Akron.
Buckland, H. S.	Fremont.
Bunts, Harry C.	Cleveland.
Bunker, Henry S.	Toledo.
Burton, Theodore E.	Cleveland.
Carr, W. F.	Cleveland.
Carpenter, Frank B.	Cleveland.
Chapman, H. B.	Cleveland.
Chase, George A.	Toledo.
Cobb, C. S.	Akron.
Cook, E. S.	Cleveland.
Craig, G. Ray	Norwalk.
Crane, A. P.	Toledo.
Cummings, Jos. W.	Toledo.
Cushing, William E.	Cleveland.
Dempsey, James H.	Cleveland.
Dewey, Thomas P.	Clyde.
Dickey, Moses R.	Cleveland.
Dickman, F. J.	Cleveland.
Doyle, John H.	Toledo.
Duff, John	Oak Harbor.
Dustin, Alton C.	Cleveland.
Elliott, Lee	Seville.
Finch, J. D.	Clyde.

Fuller, R.	Toledo.
Fuller, Clifford W.	Cleveland.
Garfield, Harry R.	Cleveland.
Garfield, James, R.	Cleveland.
Geddes, F. L.	Toledo.
Goff, Frank H.	Cleveland.
Gordon, William	Port Clinton.
Greer, J. T.	Toledo.
Groot, Geo. A.	Cleveland.
Guenther, W. G.	Cleveland.
Hale, John C.	Cleveland.
Hamilton, Jas. K.	Toledo.
Harris, Wm. H.	Toledo.
Hayes, Burchard A.	Toledo.
Haynes, George R.	Toledo.
Herrick, Frank R.	Cleveland.
Herrick, G. E.	Cleveland.
Hogsett, F. H.	Cleveland.
Hopkins, E. H.	Cleveland.
Hoyt, James H.	Cleveland.
Holbrook, Ralph S.	Toledo.
Howland, Paul	Cleveland.
Hull, Linn W.	Sandusky.
Huntsberger, I. N.	Toledo.
Jerome, F. J.	Cleveland.
Johnson, Ben. W.	Elyria.
Johnson, E. G.	Elyria.
King, Edmund B.	Sandusky.
King, H. E.	Toledo.
Kirby, Geo. P.	Toledo.
Kline, Virgil P.	Cleveland.
Kohn, Samuel	Toledo.
Kohler, G. C.	Akron.
Kohler, Jacob A.	Akron.
Kumler, John F.	Toledo.
Laning, J. F.	Norwalk.
Lewis, Charles T.	Toledo.
Marvin, U. L.	Akron.

McCrystal, John F.	Sandusky.
McDonnell, T. J.	Toledo.
McKisson, Robert	Cleveland.
McKee, Richard	Toledo.
McKnight, Joseph R.	Norwalk.
Melchers, Milo	Toledo.
Merrill, A. H.	Toledo.
Millard, I. I.	Toledo.
Morris, L. W.	Toledo.
Musser, Harvey	Akron.
Northrup, Chas. S.	Toledo.
Nye, D. J.	Elyria.
Otis, E. P.	Akron.
Parks, L. K.	Toledo.
Pike, Louis H.	Toledo.
Potter, E. D., Jr,	Toledo.
Pratt, Charles	Toledo.
Pugsley, Isaac P.	Toledo.
Ranney, Henry C.	Cleveland.
Read, W. H. A.	Toledo.
Ricks, A. J.	Cleveland.
Rickenbaugh, F. W.	Toledo.
Riley, Geo. B.	Cleveland.
Ritchie, J. M.	Toledo.
Russell, L. A.	Cleveland.
Sanford, Henry C.	Akron.
Scribner, Harvey	Toledo.
Seiders, C. A.	Toledo.
Smith, A. L.	Toledo.
Smith, Barton	Toledo.
Smith, Halbert D.	Cleveland.
Smith, H. Lindale	Cleveland.
Southard, E. B.	Toledo.
Solders, Geo. B.	Cleveland.
Squire, Andrew	Cleveland.
Stearns, Arthur A.	Cleveland.
Stuart, Edwin W.	Akron.
Sumner, Charles E.	Toledo.

Swayne, Noah H., Jr.	Toledo.
Talcott, W. E.	Cleveland.
Thatcher, Charles A.	Toledo.
Thurston, Johnston	Toledo.
Tibbals, Newell D.	Akron.
Tolerton, E. W.	Toledo.
Tracy, Thomas	Toledo.
Treadway, Francis	Cleveland.
Twing, Eldred L.	Toledo.
Upson, Wm. H.	Akron.
Van Campen, H.	Toledo.
Waite, Richard	Toledo.
Wheeler, T. W.	Toledo.
White, Henry C.	Cleveland.
White, John G.	Cleveland.
Wightman, C. D.	Medina.
Wildman, Samuel A.	Norwalk.
Williamson, Samuel E.	Cleveland.
Willard, Frederick B.	Toledo.
Wilson, Charles G.	Toledo.
Wolcott, Herbert W.	Cleveland.
Young, W. E.	Akron.
Zehring, Augustus	Cleveland.

FIFTH.

Abernethy, Isaac N.	Circleville.
Albery, F. F. D.	Columbus.
Albery, H. B.	Columbus.
Anderson, Jas. H.	Columbus.
Arnold, H. B.	Columbus.
Aubert, Chas.	Columbus.
Babcock, W. E.	Columbus.
Badger, D. C.	Columbus.
Bingham, Edw. F.	Washington, D. C.
Booth, H. J.	Columbus.
Brinker, E. W.	Columbus.
Burr, Charles E., Jr.	Columbus.

Collins, James H.	Columbus.
Crosbie, John J.	Columbus.
Crum, Ira H.	Columbus.
Douglas, Albert	Chillicothe.
Dennis, Jerry	Columbus.
Daugherty, Harry M.	Washington C. H.
Dillon, Edmund B.	Columbus.
Folsom, Henry P.	Circleville.
Galloway, Tod B.	Columbus.
Garrett, Geo. L.	Hillsboro.
Gilmore, C. R.	Columbus.
Harrison, Richard A.	Columbus.
Henderson, W. O.	Columbus.
Holmes, J. T.	Columbus.
Huling, Cyrus	Columbus.
Jahn, Carl G.	Columbus.
Jones, Richard, Jr.	Columbus.
Krumm, Alex. W.	Columbus.
Linn, T. P.	Columbus.
Lincoln, George	London.
Miller, Ira H.	Columbus.
Minshall, Thaddeus	Columbus.
McCarter, Edward B.	Columbus.
McClure, Wm. T.	Columbus.
McGuffy, John G.	Columbus.
McMahon, H. H.	Columbus.
Morton, E. C.	Columbus.
Nash, George R.	Columbus.
Owen, Selwyn N.	Columbus.
Patterson, M. R.	Columbus.
Peters, Geo. S.	Columbus.
Randall, E. O.	Columbus.
Ryan, Daniel J.	Columbus.
Sams, Oliver N.	Hillsboro.
Sater, J. E.	Columbus.
Sinks, Frederick N.	Columbus.
Smith, P. C.	Hillsboro.
Sowers, Daniel H.	Columbus.

Steele, Thos. E.	Columbus.
Steel, S. F.	Hillsboro.
Stewart, Gilbert H.	Columbus.
Sullivan, John D.	Columbus.
VanDeman, John N.	Washington C. H.
Watson, James	Columbus.
Westfall, R. E.	Columbus.
Wiggins, Willis H.	Chillicothe.
Williams, M. J.	Columbus.
Williams, C. C.	Columbus.

SIXTH.

Barry, John W.	Mt. Gilead.
Bartlett, Robert T.	Mt. Gilead.
Bell, H. E.	Mansfield.
Black, T. F.	Mansfield.
Brinkerhoff, R., Jr.	Mansfield.
Brucker, Lewis	Mansfield.
Carpenter, George W.	Delaware.
Cooper, William C.	Mt. Vernon.
Coyner, George	Delaware.
Cummings, S. G.	Mansfield.
Douglass, S. M.	Mansfield.
Flory, Chas. L.	Newark.
Fulton, J. B.	Newark.
Funck, Ross W.	Wooster.
Hines, Clark B.	Belleville.
Houck, Lewis B.	Mt. Vernon.
Johnson, Isaac	Wooster.
Jones, John David	Newark.
Kibler, Edward	Newark.
Koons, W. M.	Mt. Vernon.
Levering, Frank O.	Mt. Vernon.
May, Manuel	Mansfield.
Mykrantz, H. A.	Ashland.
McBride, C. E.	Mansfield.
McIntire, A. R.	Mt. Vernon.
Nicoll, Geo. A.	Ashland.

Overturf, N. F.	Delaware.
Patterson, F. N.	Ashland.
Pomerene, Frank E.	Coshocton.
Pomerene, W. R.	Coshocton.
Seward, C. W.	Mt. Vernon.
Stivers, Frank A.	Ripley.
Thompson, W. H.	Mt. Vernon.
Welker, Martin	Wooster.
Wickham, E. M.	Delaware.

SEVENTH.

Anderson, Julius L.	Ironton.
Bannon, J. W.	Portsmouth.
Bradbury, J. B.	Pomeroy.
Cherrington, Thomas	Ironton.
Collings, Henry	Manchester.
Evans, Nelson W.	Portsmouth.
Follett, Martin D.	Marietta.
Follett, A. D.	Marietta.
Grosvenor, Charles H.	Athens.
James, W. D.	Waverly.
Jewett, L. M.	Athens.
Johnston, A. R.	Ironton.
Johnston, Hollis C.	Gallipolis.
Thompson, A. C.	Portsmouth.

EIGHTH.

Adams, John J.	Zanesville.
Granger, Moses M.	Zanesville.
Granger, Sherman M.	Zanesville.
Cook, J. M.	Steubenville.
Crew, W. B.	McConnelsville.
Gallaher, J. A.	Bellaire.
Gregg, Henry	Steubenville.
Heinlein, J. C.	Bridgeport.
Hollingsworth, D. A.	Cadiz.
Hollingsworth, J. W.	St. Clairsville.

Ivers, J. A.	McConnelsville.
Kennedy, Edwin M.	McConnelsville.
Lewis, P. P.	Steubenville.
Locke, John L.	Cambridge.
McElhiney, J. W.	McConnelsville.
Munson, Gilbert D.	Zanesville.
Sheppard, A. J.	Zanesville.
Southard, F. H.	Zanesville.
Stockdale, J. F.	Cambridge.
Sweeney, J. R.	Steubenville.
Winn, Simeon M.	Zanesville.

NINTH.

Anderson, William S.	Youngstown.
Arrel, George F.	Youngstown.
Baldwin, Frank L.	Massillon.
Bow, Charles C.	Canton.
Boyle, W. C.	Salem.
Brooks, Chas. T.	Salem.
Brooks, J. Twing	Salem.
Burrows, J. B.	Painesville.
Cadwell, J. P.	Jefferson.
Clark, James J.	Canton.
Clark, A. H.	East Liverpool.
Cox, Allen M.	Conneaut.
Day, William R.	Canton.
Fillius, Charles	Warren.
Gilmer, Thomas H.	Warren.
Gilmer, T. I.	Warren.
Hall, Theodore	Ashtabula.
Harter, Henry W.	Canton.
Harris, H. W.	Alliance.
Hathaway, I. N.	Chardon.
Hutchins, Francis E.	Warren.
Johnston, J. R.	Youngstown.
Jones, Asa W.	Youngstown.
Kennedy, James	Youngstown.

Laubie, Peter A.	Salem.
Moore, E. H.	Youngstown.
Mullins, F. J.	Salem.
Osborne, C. W.	Painesville.
Pomerene, Atlee	Canton.
Sanderson, T. W.	Youngstown.
Smith, P. M.	Lisbon.
Spear, William Thomas	Warren.
Stull, John M.	Warren.
Sullivan, John J.	Warren.
Thayer, A. A.	Canton.
Wilson, James P.	Youngstown.
Wells, Frank L.	Wellsville.
Woolf, A. J.	Youngstown.

TENTH.

Beer, Thomas	Bucyrus.
Bennett, S. W.	Bucyrus.
Betts, John E.	Findlay.
Burket, Harlan F.	Findlay.
Burket, Jacob F.	Findlay.
Carey, Robert	Upper Sandusky.
Conley, Thos. F.	Bowling Green.
Dunn, Robert	Bowling Green.
Gallinger, Chas.	Bucyrus.
Harris, Stephen R.	Bucyrus.
Johnston, R. W.	Galion.
Loomis, John Cooper	Tiffin.
McCauley, John	Tiffin.
Melhorn, Chas. M.	Kenton.
Monnett, F. S.	Bucyrus.
Monnette, O. E.	Bucyrus.
Noble, Warren P.	Tiffin.
Norris, C. H.	Marion.
Parker, Robert S.	Bowling Green.
Rohn, J. K.	Tiffin.
Royer, J. C.	Tiffin.

Schaufelberger, J. W.	Tiffin.
Scroggs, C. J.	Bucyrus.
Seney, Henry M.	Kenton.
Shatzel, J. E.	Bowling Green.
Smalley, Allen	Upper Sandusky.
Stephens, Jesse	Fostoria.
Tobias, James C.	Bucyrus.
Troup, James O.	Bowling Green.
Wagner, W. S.	Tiffin.
Weller, H. J.	Tiffin.
West, William H.	Bellefontaine.

APPENDIXES.

ADDRESS BY THE PRESIDENT, HON. VIRGIL P. KLINE.

Gentlemen of the State Bar Association :

This mid-summer meeting, affording, as it does, the opportunity for pleasant reunion claims to have a more serious object than the renewal of old friendships and the making of new ones. It is attempted on these occasions to voice a just demand for legislative and judicial reform, to point out the defects and dangers of certain legislation, and to suggest remedies therefor, that an enlightened public opinion might, at least so far as the Bar could create it, be brought to bear effectively upon such subjects as seem to it worthy of consideration. How potent its influence has been in the accomplishment of practical results and how influential the lawyer is in the community in which he resides and throughout the state in the furtherance of legislation and the promotion of high standards in the administration of justice, may be questions the answers to which are not always quite apparent, but which it is altogether fitting that we should consider upon such an occasion as this.

A very careful and philosophical observer, in a work which has long been regarded as a classic in its line, said more than fifty years ago:

"In visiting the Americans and studying their laws, we perceive that the authority they have entrusted to the legal profession, and the influence which these individuals exercise in the government, is the most powerful existing security against the excesses of democracy."

And in accounting for this influence the writer said further:

"Men who have especially devoted themselves to legal pursuits derive from those occupations certain habits of order, a

taste for formalities, and a kind of instinctive regard for the regular connection of ideas, which naturally render them very hostile to the revolutionary spirit and the unreflecting passions of the multitude.

"The government of democracy is favorable to the political power of lawyers; for when the wealthy, the noble and the prince are excluded from the government, they (the lawyers) are sure to occupy the highest stations in their own right, as it were, since they are the only men of information and sagacity, beyond the sphere of the people, who can be the object of the popular choice. * * * I am not unacquainted with the defects which are inherent in the character of that body of men; but without this admixture of lawyer-like sobriety with the democratic principle I question whether democratic principles could long be maintained, and I cannot believe that a republic could subsist at the present time if the influence of lawyers in public business did not increase in proportion to the power of the people. * * * In America there are no nobles or literary men, and the people are apt to mistrust the wealthy; lawyers, consequently, form the highest political class and the most cultivated circle of society. * * * If I were asked where I placed the American aristocracy, I would reply without hesitation that it is not composed of the rich, who are united by no common tie, but that it occupies the judicial bench and the bar."

I have quoted somewhat at length from DeTocqueville, because he states in succinct language and maintains in a well-considered argument what was recognized by the people of his generation—recognized certainly by the lawyers; it would scarcely be human nature for them to dispute it—the very useful, honorable, conspicuous, even commanding position held by the legal profession in the United States fifty years ago. I have quoted it also as a standard by which to make comparisons while I try to answer two questions:

1. Has the legal profession in the United States declined in prestige during the past fifty years?

2. Has the real influence of the legal profession declined in proportion to its loss of prestige?

There are some reflections which must lead the most casual student of current events to admit at the outset that the legal profession has declined in prestige, or to put it in other words, in conspicuousness. In a country where success is the test of merit, as it should be, and where money is the measure of success, as it is at least doubtful whether it should be, any decrease in the standard of income on the part of any profession or class of a community is attended by a corresponding decline in prestige. While it is true that the rewards of professional labor have vastly increased during the great period of commercial expansion following the Civil War, it is unquestionable that it has not kept pace with the increase of wealth in the hands of other classes of the community.

Another close observer of American institutions, Professor James Bryce, says, speaking of the influence of the bar in a country where there is no titled class, no landed class, no military class: "The chief distinction which popular sentiment can lay hold of as raising one set of persons above another, is the character of their occupation, the degree of culture it implies, the extent to which it gives them an honorable prominence. Such distinction carried great weight in the early days of the republic, when society was smaller and simpler than it has now become. But of late years, not only has the practice of public speaking ceased to be, as it once was, almost their monopoly, not only has the direction of politics slipped in a great measure from their hands, but the growth of huge mercantile fortunes and of a financial class has, as in France and England, lowered the relative importance and dignity of the bar. An individual merchant holds, perhaps, no better place compared with an aver-

age individual lawyer than he did forty years ago, but the millionaire is a much more frequent and potent personage than he was then, and outshines everybody in the country. It is the glory of successful commerce which in America and Europe now draws wondering eyes."

In a past generation lawyers, and properly so, made up the bulk of the membership of congress and of the state legislatures. And while this may be true at the present day, or nominally so, there has been a very distinct decline in the quality of these bodies. Many of those present here today can remember when it was regarded by a lawyer in good standing as an honor to be selected by his fellow-citizens to assist in making the laws. In our day places in the state legislatures, instead of a field for the exercise of legal learning and ripe judgment, are sought for by young lawyers in order that they may exploit or further a little political ambition, and the experienced lawyers, instead of making the laws, spend most of their time in trying to correct the mistakes or ward off the disastrous consequences of reckless legislation.

One reason for this state of affairs is found, of course, in the general lowering of political tone which seems to characterize our generation. Another more practical reason is the small remuneration allowed those engaged in the public service, which is not sufficient to induce capable men to enter the race for these honors. As a very natural result, these two causes, acting one upon the other, have brought matters to such a pass that in large cities at least, the candidacy of a prominent lawyer for the legislature would be regarded as a downward step for him and would be resented by the small politician as a breach of his prerogatives. Politics have fallen so completely into the hands of party organizations that they have become almost distinctly a separate profession, so that the lawyer occupied with his clients and their affairs has neither the taste nor the leisure to become an expert

in the manipulation of modern political methods. He has ceased, therefore, to be that commanding factor in the forming of legislation and in the direction of public affairs that he was in the first fifty or sixty years of the history of the republic.

The decline of oratory, too, explains in some degree the lessening of the prestige of the legal profession. There was a time when argument based on fundamental principles of law and equity, reinforced by eloquence, decided the issue of legal contests. To-day forensic eloquence might almost be numbered among the lost arts. The most elaborate and convincing argument fails to lift the judge to the higher plane of reason, provided he can find something somewhere within a book bound in calf, upon which he shifts the burden of responsibility and to which he timidly clings.

Among the leading lawyers, the men who win wealth and honor, comparatively few enter legislative bodies or become candidates for public office. While their influence is still felt in questions that concern the profession, and, united, they are powerful to avert judicial abuses and crude legislation, very often their unity and harmony of action arouses the jealousy of the masses and insures the defeat of the measures which they advocate. I know of an instance on the Western Reserve, where the bar of the judicial district almost unanimously recommended the retirement of a judge from the bench at the expiration of his term, because he was a mere trifler and bungler, involving litigants and the public in useless expense. But the very unanimity with which they opposed his renomination was used by him with the part of the demagogue to excite sympathy for himself and prejudice against the bar, and unfortunately his efforts were successful.

It is true that the joint action of the bar in many localities of this state, wholly disinterested as it may be, furnishes the pretext for factious opposition and the triumph of feeble men.

Why is it? Is it because the profession is in decay; is it because it no longer commands the confidence and the respect of the community? Some of it may be due to the fact that reverence for authority is declining everywhere. People have no longer the habit of respecting what they are told to respect, rather than what is respectable in itself. Some of it, no doubt, is due to the absence of that sterling character in the members of the profession without which nobody's authority can go unchallenged. And, no doubt, a part of the impaired influence of the bar is due to the fact that education is much more diffused than formerly, literature so much more abundant, that the members of our profession do not stand so high above the multitude as once they did.

Another potent factor in this apparent decline of prestige is the comparatively short tenure of office of our judges, if we are to have an elective judiciary.

Neither the compensation nor the term of office offer sufficient inducements in themselves to prompt the best lawyers to seek judicial honors, high as these honors are, and worthy as are the men that generally throughout the state fill these offices. There was a time within our memory when a judgeship was the crown and flower of a long and successful career. Of late the bench has become in increasing measure, certainly in certain localities of the state, a reward for political service. Some of the very lawlessness which afflicts certain communities of this state, I make no doubt, is due to the deplorable feeling that the laws are not faithfully and impartially administered by incorruptible judges. If the fountains of justice are impure, stained by hidden and corrupting influences, distrust begets hatred, hatred violence, and disorder prevails.

Judges are, in theory, the most conspicuous members of the profession. It is not entirely a tradition that a judge "must be clear from the spirit of party, independent of all favor, firm in

applying rules, merciful in making the exceptions, patient, guarded in his speech, gentle and courteous to all; add his labor, his learning, his experience, his probity, his practiced and acute faculties, and this man is the light of the world, who adorns human life and gives security to that life which he adorns."

Such is the tribute of Sydney Smith to the upright judge; and he says: "That under common circumstances the institution of justice seems to have little or no bearing upon the safety and security of a country. But in periods of real danger, when a nation surrounded by foreign enemies contends, not for the boundaries of empire, but for the very being and existence of empire, then it is that the advantages of just institutions are discovered; then it is that every man feels that he has a country, that he has something worth preserving and worth contending for. Instances are remembered where the weak prevailed over the strong. One man recalls to mind when a just and upright judge protected him from unlawful violence and gave him back his vineyard, rebuked his oppressor, restored him to his rights, published, condemned and rectified the wrong. This is what is called country, equal rights to unequal possessions, equal justice to the rich and poor. This is what men go out to fight for and to defend."

English constitutional liberty really began in 1688. In the act of settlement which fixed the succession of the throne of England in the House of Hanover, the judicial tenure, instead of being dependent upon the pleasure of the crown, was fixed to continue during good behavior; and thus was secured the personal independence of the judges and also the purity and independence of the law. Prior to that time, it is true, there had been heroic specimens of judicial independence. Coke had made that noble answer to the inquiry of the king what he would do if the crown in any case before him required the judges to stay proceedings, that he would do that which would befit a

judge to do. But he alone made such answer, to the disgrace of his associates, all intimidated by the king. Popular dependence quite as effectually destroys judicial independence: Said Justice Story, many years ago: "The more silent and unobstructive influence of popular dependence, though less striking to the vulgar eye, is not less subversive of the great purposes of justice. It is indeed more dangerous to the liberty and property of the people, since it assumes an attractive appearance of obedience to the will of the majority, and thus, without exciting jealousy or alarm, it tramples under foot all those who refuse to obey the idol of the day." "How can it be reasonably expected," he asks, "that the law should flourish as a science, when the judges are timid to resist the humors of the prince or the clamor of the populace at the peril of those stations which may constitute their only refuge from pecuniary distress?"

Lord Mansfield, at a critical time in his career, with mobs filling the streets of London and destroying his property, bravely said: "I wish for popularity, but it is that popularity which follows, not that which is run after. I will not do that which my conscience tells me is wrong upon this occasion, to gain the huzzas of thousands, or the daily praise of all the papers which come from the press." If we have judges, and I do not say that we have, who put their ears to the ground to listen to the tramp of the mob, or who stand attentive to catch the roar of prejudice and ignorance, they bring dishonor to their office, disgrace to their profession, and every lawyer, too, and degrade its members in the sight of the community.

In that great speech made by Rufus Choate before the Massachusetts state convention, upon the judicial tenure, and with which every judge in the land should be familiar, he thus sketches the character of the upright judge:

"He must be a man not merely upright, not merely honest and well-intentioned—this of course—but man who will not

respect persons in judgment. * * * He shall know nothing about the parties, everything about the case. He shall do everything for justice; nothing for himself, nothing for his friends, nothing for his patron, nothing for his sovereign. If on one side is the executive power and the legislature and the people, the sources of his honors, the givers of his daily bread, and on the other an individual nameless and odious, his eye is to see neither great nor small, attending only to the trepidations of the balance. If a law is passed by a unanimous legislature, clamored for by the general voice of the public, and a cause is before him on it, in which the whole community was on one side and an individual nameless or odious on the other, and he believes it to be against the constitution, he must so declare it, or there is no judge. If Athens comes there to demand that the cup of hemlock be put to the lips of the wisest of her citizens, and he believes that he has not corrupted the youth, nor omitted to worship the gods of the city nor introduced new divinities of his own, he must deliver him, although the thunder light on the unterrified brow."

With such judges, not entirely extinct in Ohio, I am glad to say, the character of the legal profession is secure in every community. Such men not only set a standard, but in their pure and noble presence false and factitious methods as conditions of success fly away shame-faced. While I do not cast upon the bench responsibility for what I believe is a widespread feeling that lawyers are a suspicious part of the community, to be distrusted and excepted as necessary evils, excluded from every Utopia where perfect righteousness prevails among men, I do mean to say that good judges make good and able lawyers of the men who practice before them.

There have been times in the experience of every one of us when it seemed that the foundations of society were giving way under our feet and around us, as though respect for law and

order was no longer the chief virtue which has heretofore given stability to our institutions and security to life and property. In such emergencies, how invaluable it is that the people should have confidence in the rectitude, intelligence and patriotism of the bench and in the virtue and courage of the bar!

The great lawyers who once sought in public life or in the the general practice the rewards of their genius and industry, thereby maintaining their independence of action and of judgment, are in increasing numbers retained by great corporations, to whose interests they are devoted, and while the proper conduct of great enterprises is most essential to the welfare and prosperity of the community, this absorption by private business of the best talent of the country leaves public affairs in increasing measure to be transacted by men of inferior talents and capacity. The evolution that has taken place in modern methods of business, both in manufacture and distribution, and that has destroyed to a large extent the individuality of the mechanic and made him but a part of a great industrial machine, has also had its influence in the specialization of the professions, and has made the skillful diplomat, the promoter, the tried negotiator, the plausible peace-maker the man of mark and of profit in the legal profession, and thus has emasculated to a large extent that independence and virility of character born of the contentions face to face in open court-room with men of equal or greater caliber.

But, whatever conclusion we may reach as to the relative influence of the bar, there still remains important work for it to do, and some of it constructive work of a high order. For instance, what could be a more worthy labor for a legal mind, which by virtue of its training is able to grasp a comprehensive plan both as a whole and in detail, than to work out a simple, equitable and uniform system of taxation which can be honestly applied, to take the place of the present confused, cumbrous and

inequitable methods, which by their temptation to dishonesty and perjury corrupt the very foundations of civil life?

With conservatism characteristic of a democracy, we have been clinging to old methods of taxation, devised for us nearly fifty years ago, perfectly good in theory under former conditions, and under present ones proper in a rural population, but, so far as its operation is concerned in our larger towns and cities, entirely inadequate, proceeding, as it does, upon the theory that a man was to be taxed at the place of his residence on all his property—a method which entirely fails to reach that large class of property, the result of creation in the last fifty years, which is not found at the place of residence, the evidence of which is wholly invisible or easily concealed—the bonds of railroads, telegraph, telephone, land and bridge companies, and all negotiable evidences of property, the product of modern business methods. These are accompanied by inquisitorial methods of assessment, resorted to to rectify the evil of evasion, but which bring disgrace upon the law itself.

Where the law undertakes to tax both the property and the evidence of liability for it, it falsifies the tax duplicate and produces inequality or injustice, or invites those subterfuges and falsehoods which dull the public conscience and undermine the very foundations of public morality.

With a tax rate of three per cent. in a municipality, it is almost impossible for a man to lay up a principal from which to derive even a modest income and be honest, with the methods of evasion and the temptation thereto offered by the present crude system of taxation. With absolutely safe investments producing three to four per cent. interest, a tax rate of three per cent., if collected, absorbs from three-fourths to all the income. The utter injustice, the palpable absurdity of such a system, makes it defeat its own purpose, and by common consent no serious attempt is made to enforce the tax laws, except, now and then, in

the case of the very wealthy, who either buy off the tax inquisitor, or who learn wisdom by experience and are never bitten twice by the same dog. Surely the trained intelligence of the legal mind is capable of devising something better than this crude survival of a past age, and there is no more important field of government administration than this, by which the very sinews of government are supplied.

Then, again, there is another field upon which the trained lawyer may exercise his best faculties—the relation of the state and the municipality to those agencies that furnish power, transportation, light, water, and discharge public functions generally, and the problem of how far it is safe to burden municipal governments of cities already pointed out to us as evidencing the failure of free institutions with still other functions. Is it at all settled what the true functions of the municipality are? Would the public welfare be best promoted by enlarging or restricting them? Would municipal ownership of quasi-public agencies result in improvement of quality and cheapening of cost to the public, or would they but open fresh fields for political corruption and exploitation by the boss?

These are questions inviting the best thought of the trained members of our profession, whether they be at the bar or upon the bench. Problems enough lie at hand, unsolved, calling for the exercise of the highest order of intellect, to the solution of which members of the bar are peculiarly adapted.

There is one subject to which I wish particularly to call the attention of the Association:

It is generally recognized by the people of the state that one of the greatest, if not the greatest, evil in the state, growing out of ill-advised and improvident legislation, and which may be regulated by legislation and corrected, is that of special laws for municipal corporations. So patent was this evil under the constitution of 1801, that in framing and adopting the present con-

stitution of 1851 the framers of that instrument provided that no special act should be passed conferring corporate power, that all laws of a general nature should have uniform application throughout the state, and that the general assembly should provide by general laws for the organization of cities and incorporated villages.

By these plain provisions the framers of the present constitution believed they had put an end to the system of special laws for the incorporation and control of cities and villages, and placed the same on a rational basis, where a general law would be framed for the organization of cities and villages, and that this law, being required to be uniform throughout the state, would undergo no change, except when the representatives from all parts of the state were consulted and were willing that the proposed change should affect their own constituents and other parts of the state alike.

The supreme court, early after the adoption of the new constitution, decided that the prohibition of special laws conferring corporate power applied to municipal corporations as well as to private corporations, and it required the invention of the "classification of cities," and the passage of laws in terms applicable to a class, as a means of evading that requirement of the constitution requiring uniform operation throughout the state. Under this scheme of classification, carried as it was to an absurdity of refinement, laws were easily passed apparently general in form, and applicable to a whole class, while the class was only a single city or village. Unfortunately the supreme court gave its sanction to this scheme of classification, not appreciating, perhaps, at the time the evils that were to grow out of the legislative and judicial precedents.

The scheme thus launched and held to be constitutional was speedily resorted to to effect a mass of special legislation pertaining to municipal affairs, which has been both productive of uncounted evil and disgraceful to the state.

Hon. Edward Kibler, one of the municipal code commissioners, in an address to the state board of commerce, in January last, gave the following account of the extent to which this vicious scheme of classification has been carried. He said:

"There are fourteen distinct classes of municipal corporations. Three grades of first class cities, eight grades of second class cities, and two classes of incorporated villages and hamlets, with legislation to a greater or less extent separate and distinct for each class. In the eleven classes of cities, there is a special charter or distinct form of government for each class and grade. By this artificial and almost ridiculous arbitrary classification, Cincinnati is the only city in the first grade of the first class; Cleveland is the only city in the second grade of the first class; Toledo is the only city in the third grade of the first class; Columbus is the only city in the first grade of the second class; Dayton is the only city in the second grade of the second class; Springfield is the only city in third grade—A—of the second class; Hamilton is the only city in the third grade—B—of the second class; Portsmouth is the only city in the third grade—C—of the second class; Ashtabula is the only city in the fourth grade—A—of the second class.

"Should this enumeration," he says, "not be accurate, my justification is that the supreme court has tacitly confessed its inability, under the present class legislation, in some cases satisfactorily to determine the proper classification of some of our cities."

Under this scheme, all that becomes needful to secure special legislation for a particular city or village was to create a new grade for the particular city, describing it by its population, and so limiting the description that no other city or village would be embraced therein, and then to enact the special law applicable in terms to the whole class, which meant, and was designed to mean, only the one city or village. Under this invention the members of the general assembly, other than the member from

the particular district, neither knew or cared anything about the proposed law, but would vote anything for other than their own locality upon a promise of votes for their own measures when they came up. It was a game of "You tickle me and I'll tickle you," played by a whole general assembly with the public interests in the municipalities of the state. The people of a city would rise in the morning to find a department or office in their city re-organized, and an incumbent removed in order that a favorite might be installed in place, or a new authority created which would execute favorable contracts for some interest which was unable to deal with the authority displaced. All sorts of political and financial jobs were made the sport of the general assembly, and the people were powerless to avert them. The supreme court, having taken the unfortunate step of allowing the classification, felt itself unable to overrule the principle, lest confusion and anarchy should ensue in the important concerns of all the municipalities of the state. And so the scheme went on from bad to worse.

At length the state board of commerce interested itself in the subject, and largely through its efforts a law was passed in 1898, authorizing the governor to appoint a municipal code commission of two members to prepare a suitable measure to be submitted to the general assembly, abolishing all classification, except into cities and villages as indicated in the constitution, and providing a uniform system of government for all cities in the state, in which legislative and executive powers shall be separated. The governor appointed Judge D. F. Pugh, of Columbus, and Hon. Edward Kibler to do this work, and since August, 1898, they have been at work on the subject. They will prepare, ready for legislative action, a bill to be uniform in its operation throughout the state. organizing all cities upon a uniform plan, giving each all the powers needful for any, and authorizing their exercise, when desired, by the local communities.

This will be the first truly rational attempt to legislate for the redress of the evils everywhere recognized to exist in American cities. It will enable the supreme court to prevent future special legislation contrary to the constitution, and the avalanche of "ripper laws" in Ohio will be at an end.

This association owes a duty to the people of Ohio, and to the cause of legislative reform, in the direction of doing something, and it can do much toward securing the enactment of the work of this commission into law.

You can, and should at this session, record your hearty approval of the work, and you can and should recommend that the matter be taken up by the local bar associations in the state, and they be urged to use their good offices and influence to see that their members of the general assembly be made familiar with the merits of the work, and that they give it their approval and support.

The state board of commerce has taken the initiative in the matter and does a really practical service in getting the matter in the hands of an efficient commission, and the bar of the state, to whose members is well known the evils and the importance of their correction, should give hearty and energetic support to the effort of the business men in this great work of really first rate importance to the whole state.

Time and experience have shown that our democratic form of government is very capable of patiently bearing the ills it has rather than fly to others it knows not of. It is only when pressure becomes overwhelming that it bursts the bounds of its conservatism to try new methods and remedies for existing evils. Special legislation in the interest of classes here and there, meddlesome regulation under the guise of police power, attempts to cure real or imaginary ills by legislative paternalism all indicate a healthy unrest, though they effect no permanent cure of any substantial disorders in the body politic. That such unrest may by

evolution, and not revolution, work out a solution of such problems as I have hinted at and others too numerous to mention, without socialism or paternalism, with the freest mobility to individuals, impairing no vested rights, is the hope of every good citizen, and to this end the bar, by its training, its integrity and its intelligence, can contribute more than any other class of our fellow citizens.

ADDRESS OF HON. WILLIAM WIRT HOWE.

In accepting your very kind invitation to deliver an address on this interesting occasion, and before this learned audience, I have thought that it might be timely to say something about the development of law and jurisprudence in Spain and her colonies.

The remarkable events of the last fifteen months have given a new and perhaps a pathetic interest to this topic. And if we look at the matter merely from the practical side, we may deem it important and even necessary to know something of the subject, since it concerns directly the laws of Porto Rico, Cuba and the Philippines.

When Patrick Henry made his impassioned speech on behalf of the War of the Revolution, he "pointed with pride" to the fact that we then numbered three millions of people, yet in the last year we have acquired in one way or other, and to some extent at least, about twelve millions more, concerning whose municipal law it may be useful to inquire.

The peninsula we call Spain, including the territory now comprising the kingdom of Portugal, was known in very early times by the Phoenicians, the Greeks and the Romans. It was sometimes called Hesperia, or the land of the setting sun; sometimes Iberia, which is said to mean the land of rivers, and sometimes Hispania, the "distant" or "far off" land. To the early navigators, it was indeed a distant and far off country lying on the western verge of discovery. The strait which is guarded by Gibraltar was a subject of myth and poetry, the rocks on either side being called the "Pillars of Hercules." The first inhabitants of the country were generally called Iberians. In the northern and northwestern portions of the peninsula, as

well as in the southwestern portions of Gaul, the primitive people seem to have been called Vascones, a name which was afterward modified to Basques, and was perhaps the origin of the word Gascons. The Phoenicians, who were very active sailors and merchants, carried on an extensive commerce with Spain in very early days. The Greeks also carried on a considerable trade, and established at least one colony. Carthage, which had been founded by the Phoenicians, had extensive trade relations with Spain, and, when policy seemed to require such action, made conquests and established settlements.

You will remember that in the time of Hannibal Spain was used by that remarkable commander as a base for his great expedition against Rome by the way of Gaul and the Alps. The bitter wars between Carthage and Rome naturally involved Spain, and led to its final conquest by the Romans. By the beginning of our era it had become a thoroughly Roman province of great importance. It will be remembered that the poet Martial and the emperors Nerva, Trajan, Hadrian and Theodosius were all natives of Spain.

During the Roman domination, when firmly established, the country was highly organized, and highly improved in the Roman method with roads, bridges, aqueducts, temples, amphitheatres and baths. It was practically organized into a congeries of municipal corporations, each having its local government resembling that of the imperial city herself, and, with a measure of home rule thus allowed and exercised, the country flourished in spite of the decay of the empire.

In the fourth century a great change took place, which has left a deep impression on the history and law of Spain. The Visigoths, or West Goths, demanded lands for settlement, and the Emperor Honorius relinquished to them the southern part of Gaul and the whole of Spain. In the fifth century, under Theodoric II and his successor Euric, the kingdom of the Vis-

igoths became practically independent of Rome. Under Euric and Alaric II, in the beginning of the sixth century, a code of customs and law was prepared and promulgated, known sometimes as the "Breviary of Alaric II," a compilation of much importance as a matter of legal history. As already observed, the kingdom of the Visigoths embraced southern Gaul as well as what we now call Spain, and this Breviary of Alaric II was an important codification of laws for the inhabitants of southern Gaul, or France, as well as for those of Spain. It contained sixteen books of the Theodosian code, a collection of imperial novels or new constitutions of a recent date; a portion of the institutes of Gaius; some opinions of Paul, the jurist; some titles from the Gregorian and Hermogenian codes, and an extract from the Responses of Papinian.

In the seventh century, the remarkable code known as the "Fuero Juzgo" was promulgated. The name is a contraction of "Fuero do los Jueces." The word Fuero has a variety of meanings. In a literal sense it corresponds to the Latin word forum, but it may mean sometimes a code, sometimes a charter. The Fuero Juzgo might, therefore, be translated as a code for the judges; or, if you please, a system of jurisprudence.

It has been the subject of various opinions by historians. Gibbon and Guizot praise it, while Montesquieu is of a different opinion. The fact remains that the Fuero Juzgo is of great historical value. It represents an interesting amalgamation of Roman law with Gothic or Teutonic customs. It became the general law of Spain, and may be said to have become the basis of jurisprudence in Spain as well as in her immense colonies. An elaborate edition in Latin and Spanish was published in Madrid in 1815. The work was divided into 12 books, containing 54 titles, which embrace 559 distinct laws.

In the eighth century, the West Gothic kingdom fell before the Saracen invasion. The Moors, however, did not continue to pos-

sess the whole country, and some christian states continued to exist or were gradually built up in the northern part, such as Oviedo or Leon, Navarre, Aragon and Castile. The contest between the christian states and the mohammedan power went on, as you will remember, for several centuries. In the early part of the thirteenth century, the christian monarchs of Castile and Aragon had obtained signal advantages, and in the latter part of the fifteenth century the Saracen power was ended by the capture of Grenada. During these long periods of struggle, Toledo, Cordova, Seville and other cities attained great importance and a large measure of local government. Important privileges were secured to them by what were called Fueros Municipales. These charters or "Fueros" usually enabled the citizens to elect their own judges and to direct the internal affairs of their city. Their history will always be interesting as a development of the law of municipal corporations.

During the same long period of contest with the power of the Saracens, the development of Spanish law was marked by the adoption and promulgation of various codes which are still interesting to the student of comparative jurisprudence. In the latter part of the tenth century, the Fuero Viejo, or ancient code, was promulgated. It consisted of five books which are understood to have contained the ancient usages and general customs of the nation.

By the middle of the thirteenth century, the jurisconsults of Spain had begun to take part in the general revival of studies of the Roman law which had become so extensive in Italy, France and England. Alphonso the Learned, King of Castile and Leon, in the year 1255 promulgated the "Fuero Real," a treatise upon law which is considered to bear the same relation to the legal system of Spain that the Institutes of Justinian bear to the Digest of that Emperor. It is divided into four books, ontaining seventy-nine titles and 594 laws. You will bear with

me, I hope, if I give a little analysis of this and other codes, at the risk of being tedious. Such analyses may have value as object lessons in the important subject of the classification of the law of all countries, including our own.

The first book treated of ecclesiastical matters and of various public offices and the duties annexed thereto; the second book treated of modes of administering justice, of judgments, appeals, and evidence; the third book treated of family relations, testaments, and successions, and also of obligations; while the fourth book included certain enactments in regard to personal status, crimes, navigation, and a variety of other miscellaneous topics. The whole is supposed to have been rather a guide to the student and the magistrate than a full and exact exposition of the jurisprudence of the country. It was really preparatory to the framing and promulgation of the Partidas, one of the most important and interesting codes that has ever been published in legal history.

The Partidas, the full name of which is Siete Partidas, literally the Seven Parts, was completed eight years after the Fuero Real, although as a code it does not appear to have been authoritatively promulgated as the law of the land until the year 1348, in the reign of Alphonso II. It may be that the division into seven parts was imitated from the seven parts of the Digest of Justinian, and may have intended some reference to the supposed sacred character of that number. The first Partida contains twenty-four titles. It treats of the nature, origin and objects of law, usage and customs, but the larger portion of it is devoted to matters of religion. Many of the Spanish writers condemn this tendency to make so much of ecclesiastical matters, and declare that this Partida is little else than a digest of the canon law. The second Partida is divided into 31 titles, and treats of the prerogatives of the crown, the duties of the monarch, the duties of the people towards the sovereign, the rules of mili-

tary law, and the provisions in regard to public education. The third Partida contains 32 titles. It treats of justice, or judicial proceedings, and also of the functions and responsibilities of judges, advocates, attorneys and notaries. It also contains provisions in regard to prescriptions, possession, and servitudes. It is largely a reproduction of the Roman law. The fourth Partida contains twenty-seven titles, of which a large number treat of marriage and the relations it creates. The others deal with the status of liberty and slavery, and of feudal lords, and their vassals, while the last title seems to be a dissertation on friendship, which is only a kind of philosophical treatise in imitation of Cicero on the same subject. The fifth Partida contains fifteen titles, treating of obligations and also of specific contracts, such as loan, deposit, sale, suretyship and mortgage. It may be stated generally that the provisions of this fifth Partida are derived almost literally from the Roman law. The sixth Partida contains nineteen titles, treating of, last wills and codicils, of heirship and the acceptance of successions, of testamentary executors, intestate successions and partitions, and in this connections, also of minors, tutorship, creditorship, and the like. The seventh Partida is divided into 34 titles, and deals at considerable length with the definition of crimes and punishments. The whole number of laws in the Partidas is 2,844.

When the French colony known as Louisiana was ceded to Spain in 1730, the code known as the Partidas was introduced and became really a large part of the fundamental law of Louisiana. Portions of it were translated into French for the benefit of the inhabitants. Many of its provisions remained as a part of the law of Louisiana, and were constantly referred to in the decisions of the Supreme Court down to 1828. A translation of the principal portions of the work into English was made by Messrs. Moreau-Lislet and Carleton, and published in 1820,

with an introduction giving an interesting account of Spanish law as then existing.

Spain went on increasing in power and importance until the time of Phillip II in the sixteenth century, when Spanish power reached its climax. In the opinion of Macaulay, the power of Phillip II over Europe, as well as the rest of the world, was for a short time greater even than that of Napoleon. Whatever may be true of his character, he was certainly an indefatigable worker, and was very much interested in legislative and judicial reforms. It was by his authority that in the year 1567, the codecalled the "Nueva Recopilacion" was promulgated.

From that time until the year 1805 few changes of importance occurred in the legislation of Spain. New edicts of various kinds were, however, published from time to time and formed a supplement to the Recopilacion. So many years had elapsed that the necessity of reframing the laws of the country in some way became urgent, and finally in 1805, in the reign of Charles IV, the Novissima Recopilacion was prepared and adopted. It contained twelve books, treating not only of the elements of private law, but also embodying many provisions which make it a political, administrative and criminal code.

The necessities of the Spanish domination in the colony of Louisiana and the fact that many provisions of Spanish law were in force in this colony, made a knowledge of this work important to American lawyers. A translation was made and published at Philadelphia by Mr. White.

The Spanish jurists during the middle ages as well as in later times have been famous as students and writers. Two names may be noticed in passing, who have been very prominent in the development of international law. One is Ayala, who was the Spanish judge advocate with the army of the Prince of Parma. The other is Suarez, a Jesuit priest.

The Spanish were also at an early day very enterprising merchants, and the situation of their country and the abundance of its harbors created a large maritime commerce. The celebrated code of maritime laws called by the Spanish El Consulado, and generally referred to in our admiralty books as the Consolato del Mare, is one of the oldest collections of nautical laws which is now extant in modern Europe. It was compiled by order of the "Prohoms" or magistrates, of Barcelona, about the year 1258, as a code by which to decide all mercantile disputes, and by the consent of all modern commercial nations its rules are considered as fundamental in nautical affairs. It has obtained its authority by its intrinsic merit; not because it is a law promulgated by any governing authority, but because it is a collection of maritime usages which had been observed by the different trading republics and cities of the Mediterranean for many ages, and had been voluntarily adopted by these maritime states as a body of law, on account of its equity and its convenience.

A code of commerce was adopted in Spain in 1829, and contained twelve hundred and nineteen articles, divided into five books. The first book relates to commerce and commercial people and commercial business; the second book treats of commercial contracts, such as partnership, sale, exchange, loan, deposit suretyship, insurance, bills of exchange and letters of credit; the third book concerns maritime commerce; the fourth book treats of bankruptcy and the various proceedings in bankrupt cases; while the fifth book treats of the administration of justice in commercial matters, including commercial courts, their jurisdiction and their practice.

The enormous extent of the colonies of Spain at one time compelled the issue of a large number of orders and decrees in regard to colonial matters. The great number of these decrees and orders which had the force of law compelled some kind of codification, and in the year 1680, in the reign of Charles II, the

Recopilacion de Indias was finally promulgated, sometimes called Leyes de las Indias. The phrase Indias, of course, included all the colonial possessions of Spain. The object of this collection was to regulate the political, military and fiscal administration of the Spanish possessions in the new world. It was understood, of course, that the general law of Spain would prevail in the colonies as their fundamental and elementary law, while the Recopilacion de Indias would be considered as a digest of special provisions and exceptions. In this way the general civil law of Spain, that is to say, such portions as were elementary and fundamental, became the law of Spanish America, but inasmuch as the condition and wants of the colonies varied in many respects from that of the mother country, it was decreed that no law enacted in Spain would be obligatory in America unless accompanied by a provision to that effect emanating through the administrative board called the Council of the Indies.

It is interesting to note the elements of constitutional liberty and personal freedom which manifested themselves in mediæval Spanish law. They may have come from two sources: Firstly, from the existence of municipal rights accorded even under Roman domination to the cities of Spain, and continued in Gothic times, by which they acquired a large measure of home rule and an opportunity to cultivate and exercise the civic virtues; and, secondly, from the character and customs of the Visigothic conquerors, who brought with them the same ideas of individual freedom which their Anglo Saxon brethren brought to England.

As for the cities, Barcelona may be referred to as an example. Her municipal liberties and privileges dated back to an early period. In her enterprise, her activities, her commerce and trade, she resembled an Italian republic; and not only were her achievements famous in commerce, manufacture and

public works, but the freedom of her institutions was conspicious at an early day. She had a board of executive officers, from four to six in number, and a legislative council or senate of one hundred members, and enjoyed rights that were almost sovereign. The burghers were justly proud and jealous of those rights, so much so that, as we are told, a Venetian ambassador, in the sixteenth century, was surprised, and said that "the inhabitants have so many privileges that the king has little authority among them."

Indeed, in Spain in Gothic times and down to a late period in the middle ages, the king was considered as an elected monarch who received his powers from the people and was responsible to them. The Fuero Juzgo which we have referred to above as compiled in the seventh century, says to the king: "You shall be king if you do right; if you do not right, you shall not be king." At a later period in Aragon, when the Chief Justice, Justicia Mayor, administered the coronation oath to a new king, he is reported to have addressed him thus:

"We who are equal to you, and who together are more than you," require this oath.

In the ancient Kingdom of Navarre, the king was claimed to have been originally elected, and the coronation oaths were very emphatic in their protection of all the rights of "the people of Navarre." In the time of Louis XIV, the estates of French Navarre told even him that with them the king was only "the creature of his subjects." In the opinion of M. Lagreze, one of the judges of the French court of appeals, in a recent work, La Navarre Francaise, vol. 2, p. 25, the kings of Navarre were the first constitutional monarchs of Europe.

The institution of the Cortes in these mediæval Spanish kingdoms was also interesting. In Aragon, for example, the Cortes, as its name implies, was a general court and parliament

having high power and privileges which it generously guarded for many years. It was composed of four " arms " or estates,—nobles, knights, clergy and commons. In the fourth class were the members representing the cities. In 1283, Peter of Aragon, surnamed " the Great," granted a kind of Magna Charta to the Cortes, containing many provisions to secure personal liberty and chartered rights. The instrument was known as the General Privilege.

A writ of habeas corpus, probably imitated from the interdict of the Roman law, was known in Aragon under the name of " Manifestation," and is alluded to by Mr. Prescott in his history of Ferdinand and Isabella, and by Mr. Hallam in his history of the middle ages.

In very recent years there has been much activity in the revision and codification of the law of Spain. Her present civil code, which is one of elementary law and not of practice, was adopted in 1888, to take effect in 1889. It had been projected for about half a century, but its final adoption was delayed by controversies as to local rights and customs, and it was only agreed to eventually by the compromise embodied in article 12, which reads as follows:

" Art. 12. So far as they determine the effect of laws and statutes and the rules of their application, the dispositions of this title (concerning laws) are obligatory in all the provinces of the kingdom. It is the same with the dispositions of title 4, book I (concerning marriage). But beyond this, provinces and territories where a local fuero exists will preserve that right in all its integrity, without any alteration in its written or customary regime, by reason of the publication of this code, which will be applicable only as a supplemental law in default of the dispositions of such special laws."

It will be seen from this that home rule is still an important idea in the Spanish provinces. For example, in Barcelona they

still retain their ancient customs as to the form of the execution of wills.

This code was extended to Cuba, Porto Rico, and the Philippines by decrees of July 31, 1889. The general plan of the work is not unlike that of the Code Napoleon and the other European codes of a similar character. The preliminary title treats of laws and their effect and application. Following this, the body of the work is divided into four books. The first book, containing twelve titles, treats of the law of persons. The first title treats of persons considered either as citizens or foreigners. The second title treats of persons as they are either natural or juridical. The third title lays down rules as to the domicile of persons. The fourth title treats of the subject of marriage and divorce. The fifth, sixth and seventh contain provisions in regard to the relation of parent and child, the paternal power, and the rules in regard to adoption. The eighth title contains provisions in regard to absent persons and their rights, while the remainder of the first book is taken up with the rules in regard to tutorship or guardianship, family meetings, emancipation of minors from the paternal power, and the method of making a public registration of the civil status of persons.

The second book is divided into eight titles, and treats of things; that is to say, of property, ownership, and its modifications. The first title considers property as either immovable or movable; that is, as we say in English law, real or personal, and also distinguishes property as public on the one hand or private on the other, and concludes with sundry dispositions which are common to all kinds of property. The second title takes up the question of ownership and refers also to the rules of eminent domain. It also considers the rights of accession and of adjoining estates. It also lays down rules in regard to the law of accession as respects movable property. The

third title treats of property held in common and the rights of co-proprietors. The fourth title takes up the subject of waters considered as public on the one hand or private on the other, and whether flowing on the surface or subterranean, and also makes sundry dispositions in regard to mineral rights and the rights of literary, scientific and artistic property. The fifth title treats of the law of possession, of the different kinds of possession, and of the acquisition and effect of possession. The sixth title treats of usufruct, use and habitation. The seventh title lays down rules in regard to servitude or easements, and the rights of adjoining properties, while the eighth title refers briefly to the registration of documents which concern immovable property and real rights.

The third book contains three titles. Its general subject embraces the different methods of acquiring property or ownership. The first title discusses the acquisition of ownership by occupation. The second title treats of the nature, the characteristics and the form of donations, while the third title embraces the subject of successions, both testamentary and intestate. The fourth book contains eighteen titles. It treats of obligations and contracts. The first title contains the definition of obligations and a statement of the sources from which they arise; the different kinds of obligations, such as conditional and unconditional, divisible and indivisible, conjoint and solidary. It then takes up the subject of the extinction of obligations, as by payment, voluntary remission, confusion, compensation and novation, and this title concludes with general rules as to the proof of obligations, whether by what are called public acts, private acts, admissions of the parties, inspection by the judge, expert and other witnesses, and presumption. The second title takes up the subject of contracts as one of the principal sources of obligations. After making general disposition on this subject, it takes up the essentials of a contract, which it finds to consist in the

consent of the parties, a definite object with respect to which the contract is made, and a lawful cause or motive. The rest of this title is taken up with the discussion of these essential elements. The third title treats of marriage contracts, dowry, and the community of goods existing between husband and wife. The fourth title discusses the contract of sale, its formation, the obligations of the different parties, and the method of its dissolution. The fifth title treats of the contract of exchange of property, and the sixth and seventh titles lay down rules in regard to letting and hiring, whether of property or of personal services, the duties of carriers, and the contract of rent and emphyteusis. The eighth title is devoted to partnership, and the ninth to mandate or powers of attorney and the duties of principal and agent. The tenth title treats of loans, and the eleventh of the contract of deposit whether voluntary or necessary. The twelfth title treats of aleatory contracts of various kinds, while the thirteenth title is devoted to the law of compromises or transactions; the fourteenth to suretyship, and the fifteenth to pledges and hypothecations. The sixteenth title discusses the question of obligations arising without agreement; firstly, from quasi contracts, in which obligations arise from lawful acts in the absence of an agreement, and secondly, from offienses or qnasi offenses, where obligations arise from unlawful acts, whether amounting to active tort or passive neglect. The seventeenth title contains dispositions in regard to insolvency and the classification of debts and creditors with their respective rights, privileges and preferences, and finally the eighteenth and last title of the fourth book is devoted to the question of prescription or limitations, considered, firstly, with reference to the prescription or lapse of time by which property and rights may be acquired, and secondly, the lapse of time by which rights of action are barred or prescribed. The whole number of articles is 1,976.

An appendix to the civil code of 1889 which will be found in the Madrid edition of 1898, published by Messrs. Medina and Maranon, contains an interesting collection of principles of law, which although brief, is well worthy of study. A large number of these principles are stated in the form of maxims quoted from the classical jurists of Rome, while many of the others are cited from the Partidas.

This civil code of Spain is a very scientific treatise on private law in civil matters. Mr. Alonzo Martinez, a distinguished Spanish lawyer, was one of its principal framers. M. Leve, a French judge, writing in 1890, declares it to be a more scientific book than the Code Napoleon. I can not detain you by reading much from it, but I may translate a few articles simply to show its concise and severe style. You will remember that we have in the civil law what are called aleatory contracts, in which the fullfilment depends on a fortuitous event. Such is a wager, when lawful, and when the law allows an action on it. The Spanish civil code properly places insurance under this title and says:

"1791. The contract of insurance is that by which the insurer responds for the fortuitous damage incurred by property either movable or inmovable, in consideration of a premium which may be freely fixed by the parties.

"1792. Two or more owners may mutually insure the fortuitous damage which their property may suffer, respectively.

"1793. The agreement of insurance must be formulated either by a public act or by an act under private signature, signed by the contracting parties.

"1794. This act (the policy) should recite—

"1. The designation and situation of the objects assured and their value;

"2. The nature of the risks as to which an indemnity is stipulated;

"3 The day and hour when the effects of the contract begin and end;

"4 The other conditions agreed to by the parties.

"1795. The contract has no validity for that portion of the insurance which exceeds the value of the thing insured, since one can only contract for insurance up to the value of the object insured. * * *

"1796. When the loss has occurred the assured should notify the insurer and others interested within the delay fixed by the contract; or, if no period be fixed, within twenty-four hours from the time that the insured is informed of the disaster. If he does not do this, he will have no right of action.

"1797. The contract of insurance is null, if, at the moment of closing it the assured knew that the object insured had already suffered a loss, or if the insurer knew that the goods had been saved."

These rules seem to me to be just, and well expressed.

There is a supplemental provision of the Spanish code of 1889 which appears to be interesting and important, and reads as follows:

1. The president of the Supreme Court, and the presidents of the tribunals of appeal, will send to the minister of justice at the end of each year a report of the matters which have been submitted to them in civil cases; and they will point out the defects and difficulties which the application of this code may have revealed to them. They will indicate with detail the controverted questions and points of law as well as the articles or omissions of this code which have caused doubts to spring up in the courts.

2. The minister of justice will transmit these reports and a copy of the civil statistics of the same year to the general commission of codification.

3. After having taken cognizance of these documents, and of the progress realized in other countries which may be taken advantage of in our own, and of the jurisprudence of the Supreme Court, the commission of codification will formulate and address to the government every ten years a plan of such reforms as it may think proper to propose.

Reference was made above to a code of commerce which was adopted in 1829. An amended *codigo de commercio* took effect in January, 1886, and was soon after extended to Cuba and Porto Rico. In 1889, it was further extended to all the colonies of Spain, and I suppose is in force now in the Phillipines.

This code also contains four books, and its articles number in all 955. The first book treats of commerce and commercial people in general. The second book treats of those contracts which are especially commercial in their character, including mercantile companies, banks, railways, and the like. The third book is devoted to maritime commerce, and contains elaborate provisions in regard to the law of shipping. The fourth book contains provisions in regard to respites and insolvencies in the case of merchants and mercantile corporations, and also provisions in regard to prescription in commercial matters.

Notice may also be taken of an elaborate code of hypothecary law which appears to have been extended to the colonies of Spain in 1893.

The present code of practice in Spain, or what is called, in literal translation, the law of civil procedure, took effect on the 1st of April, 1881. It is a very elaborate work, being somewhat longer than the civil code of law. It contains two thousand and eighty-two articles, divided into three books. The first book contains provisions concerning the jurisdiction and procedure of courts in all cases. The second book is devoted to what is called "contentious jurisdiction;" that is, where parties are suing each other contradictorily. The third book is devoted to what is

called the voluntary jurisdiction, or in French, "Jurisdiction Gracieuse," where persons go into court, generally in an *ex parte* way, for the purpose of conducting proceedings for adoption, for the appointment of tutors or guardians, and curators, for the probate of wills, and opening and administration of successions. This book also lays down rules in regard to the voluntary jurisdiction as applied in commercial cases.

We have, then, in what we call our new possessions four very interesting and very modern codes, namely: The civil code of law of 1889; the code of commerce of 1886; the hypothecary code of 1893; and the code of procedure of 1881.

A few words in regard to the colony of Louisiana may throw some light on the subject of this paper. In 1682 Lasalle picked out his perilous path from Canada by the way of the Great Lakes and the Illinois River, and, descending the Mississippi, explored that stream and took possession of the entire country in the name of Louis XIV, and called it Louisiana. It was a vast and somewhat indefinite domain, extending from the Gulf of Mexico to British America and from the Wabash to the Rocky Mountains or possibly to the Pacific. In 1699, the first French settlement on the gulf was made near what is now Biloxi in the present state of Mississippi. In 1712 the commerce of the colony, with a large share of its government, was granted by royal charter to Anthony Crozat, a French merchant, after the fashion of that day. One important clause of the charter which the law student will notice, extended to the colony of Louisiana "the laws, edicts, and ordinances of the realm of France and the custom of Paris." The law thus given to this vast domain was composed in part of Roman law, and in part of customary law, as modified by general edicts, ordinances and statutes.

In 1718 Crozat surrendered his charter, and the grant of the colony was made to the Western Mississippi Company with

which John Law was connected. In 1732, this grant was given up and Louisiana became a royal colony of the usual type. In 1763 the cession of France to Spain was made, and in 1769 Spain took actual possession, and Don Alexander O'Reilly became governor. He caused a code of instructions to be published with reference to practice, to which was annexed an abridgement of the criminal laws and some rules in regard to testamentary dispositions. "From that time," according to the opinion of Judge Martin, the eminent jurist and the first historian of Louisiana, "it is believed that the laws of Spain became the sole guide of the tribunals of the colony in their decisions. As these laws and those of France proceed from the same origin, and there is great similarity in their dispositions in regard to matrimonial rights, testaments and successions, the transition was not perceived before it became complete, and little inconvenience resulted from it."

When the United States acquired the Louisiana purchase in 1803, the domain was divided into the territory of Orleans, comprising nearly the present limits of the state of Louisiana, and the district of Louisiana. They parted company in the juridical way—the present state of Louisiana retaining the Franco-Spanish system of law in many matters, and the rest of the purchase, then almost uninhabited, receiving the common law in the normal way with the immigration from our common law states. It was felt, however, that the criminal laws of Spain should not prevail in an American state, and in 1805, the legislature of the territory of Orleans adopted two statutes of law and practice concerning crimes and offenses in which the common law of England was adopted as fundamental in such matters. These statutes are substantially in force today.

It may also be added, as a matter of interest to publicists, that the first act of congress which organized the territory of Orleans, provided for its government by a governor and council

appointed by the president of the United States—and that the governor proceeded to legislate "by and with the advice of the council."

The legal history of the present state of Louisiana, then, is much like that of Porto Rico. The civil code of Louisiana is quite like that of Spain and France, with some provisions, however, introduced from New York and England. Her code of practice resembles the procedure of France and Spain, and is essentially the practice of the later Roman law, adapted to modern conditions. The code of procedure of New York is an imitation of the same method.

The experience of Louisiana, therefore, throws light on what ought probably to be done in Porto Rico and the Phillipines, and perhaps eventually in Cuba. You cannot easily change the municipal law of a populous country, especially in civil matters, as for example, in family relations, in the titles and tenure of property, in the law of succession, and the rules and effects of obligations. We could not usefully introduce the common law of England, as a system in civil matters, into our new possessions. But, as was done in Louisiana, the law may be carefully modified to correspond with American ideas, and the method of procedure, especially in criminal matters, amended from time to time.

In a New York newspaper, a few days ago, it was stated that an American lawyer had returned from Porto Rico, and had recommended that "American courts" should be established "here and there" in that island "until Spanish law shall have disappeared." I must express the hope that such an utterance originated with the reporter and not with a person claiming to be a lawyer. How "American courts" could cause Spanish law to "disappear," and what kind of law the American courts would introduce in its place is left to the helpless imagination of the reader.

Probably we shall hear plenty of such patois uttered by alleged lawyers during the next decade. We shall be told that the common law ought to be introduced into Porto Rico, but we shall not be told what the common law is, because the alleged lawyers will not know. We shall be told, indeed we were told some months ago by a space writer in Washington, that we ought to abolish the civil law in our new possessions, the inference being that we should introduce what is glibly termed "the common law." I beg to protest against such propositions in the name of history and statesmanship. Let us imagine a judiciary committee of congress compiling a report recommending the abolition of the civil law in Porto Rico, and submitting a substitute. What would the substitute be? Would the committee suggest the common law of the time of Richard II? Or of the time of James I? Or of the time of Victoria, when she was a young lady? Or of the time of Victoria, the gracious and aged monarch? Would they introduce the rule in Shelley's case? Would they call on the people of Porto Rico to observe the delightful distinctions between an executory devise and a contingent remainder? Would they introduce the learning in regard to sealed instruments, and let the American courts "here and there" wrestle as the New York courts did once, with James Kent and Smith Thompson on the bench, with the question as to whether a seal must be made of wax, or wafer, or mucilage, or merely with the flourish of a pen? Would they recommend the introduction of the five different doctrines of consideration, which we are now told are taught in our leading law schools? Would they impose the English law of real estate of the time of Coke, or of the time of Blackstone, or of the time of Sir Richard Webster? Would they introduce the law of trusts, as it existed in Lord Eldon's time, or as it exists now in Ohio? Would they introduce the learning in regard to uses, the statute 27 Henry VIII and the rule in Tyrel's case? Probably these

questions may answer themselves in the negative. We may reasonably hope that enlightened statesmen will remember that law is a vital growth; that the roots of its present "lie deep in the past," and that its unfolding and adaptations should not be rashly interfered with by unskilful quacks.

And now to speak of practical things, how may the American law student acquire some working knowledge of the law and procedure of these colonies which we have recently acquired from Spain, or of which we claim at least a supervisory control? Naturally, the student would require in the first place a general knowledge of Spanish history, for without this he could not expect to fully appreciate the development of law in that country and its colonies. His next step would be to acquire a knowledge of the elements of Roman law, a system which, as we have seen, is, so to speak, the common law of Spain and of her former colonies. This done, he might take up the Partidas and the Recopilacion and devote himself to such portions at least as concern the life of today—and follow these studies with a careful examination of the code of commerce (*Codigo de Comercio*). He would then be ready to give an intelligent study to the present civil code of Spain, which. as we have seen, was some ten years ago extended to Porto Rico, Cuba and the Philippines.

I do not mean to minimize the difficulties of any study of this sort; but at the same time we must not exaggerate these difficulties. The Spanish itself is very easy to anyone who knows his Latin, and there are many works in French and English which may be usefully consulted. Of course, there are technical terms in Spanish law which look mysterious, at first, and have a variety of meanings, primary, secondary and tertiary, but these are soon mastered, and with this mastery will come the understanding of their proper application.

The student of Spanish jurisprudence is impressed with the learning and juristic ability which it displays. There is no

trouble in this respect. It is a noble system. But the contrast between the splendid science of the system, and the moral quality of its administration, in the Spanish colonies, is something very pathetic. I imagine that no impartial Spaniard would deny that the administration of law, in these colonies, has been pervaded with corruption and abuses of every sort. The old question, *quid leges sine moribus?*—of what use are statutes without morals—must at once recur to the mind of the observer. No matter how refined and scientific may be the codes of a nation, they are little worth unless, in the mind of judges and advocates alike, the rules of entire honesty and impartiality shall exercise a continual and controlling force.

An old friend of mine, who, many years ago, represented a commercial firm in a Cuban city, told me that another foreign firm there brought suit against his principals on a disputed claim. He employed a lawyer and directed him to defend on the merits. The lawyer soon came to him and reported as follows:

"The plaintiffs have presented the judge with a silver tea-set, and you must do something better. I advise you to send the judge a dinner service of French porcelain."

My friend, who was an American, was of course, astonished and disgusted, and going to the office of the plaintiffs, made haste to compromise the suit.

We need not analyze the cause of such strange and utter decay of one of the greatest nations that ever figured in history. Whether the corruption and collapse of her civil, military, and naval service are a symptom or a cause, they have existed and have culminated in a great tragedy. It remains for our people who have been drawn into new relations with Porto Rico, Cuba and the Philippines, to see to it that while they study well the municipal law of these countries, they at the same time administer that law with fidelity and honor, without which the best legal system is a mockery.

COURT ROOM ORATORY.—ADDRESS BY HON. S. N. OWEN.

Mr. President, Ladies and Gentlemen, and Gentlemen of the Ohio State Bar Association :

Before the speaker of this occasion has proceeded very far with the address of this occasion, it will have been quite clearly revealed to you that what he knows about oratory must have been derived from history and observation ; that it is at best in a very slight degree due to experience. Indeed, to the observations of your speaker in times past are due the few suggestions which, in the form of recommendation, will be submitted for the consideration of the younger members of the profession especially ; for your speaker feels safe in assuming that the veterans in this service, those who constitute the "Old Guard," those whose oratorical habits are confirmed, are "past all surgery."

You are not to infer from the title of what promises to be a rambling talk this afternoon, that there is a species of oratory peculiar to the court room. The oratory which is successful in the pulpit, upon the platform and in the legislative hall is very likely to be successful in the court room. That is, with slight qualifications, there is but one kind of oratory. The speaker who can stir your hearts, who can convince your judgments, who can make you accept, adopt and act upon his view of the subject under discussion, is an orator. The speaker who can simply entertain and amuse you by his eloquence may be an accomplished and pleasing declaimer, but he is no orator.

To illustrate the fact that pulpit oratory would be effective in the court room, and court room oratory would be effective in

the pulpit, I may cite the case of a distinguished divine of the city of Baltimore; distinguished for his consecrated service in the cause of the Master; distinguished for his eloquence in the pulpit. He had been theretofore for a number of years a successful practitioner of the law, celebrated for his court room oratory. He was frequently accustomed to allude to the court room as a very valuable oratorical training school for him. On one occasion, becoming enthusiastic with the subject, he said to his congregation: "You, my brethren, are my jury; my Lord and Master is my client; I feel that His cause is just; and I ask you to hear me patiently in what I have to say in defense and support of that cause; and when I shall have concluded, I shall surely expect your unanimous verdict."

An introduction to an argument is an absurdity. If the so-called or intended introduction deals with the subject of the argument, it is a part of it. If it does not so deal with the subject of discussion, it had better be passed by altogether. It is painful many times to see a fairly good lawyer and reasonably pleasant speaker exhaust himself, if not the court and jury, upon an introduction—what he conceives to be an introduction—in which he proclaims what he is going to talk about after a while; leaving himself very much in the condition, to use a familiar illustration, of one of those Mississippi river steamboats, those flat-bottomed, stern-wheel contrivances. It is said of them that they are nearly all whistle, and when they are about to depart from a port, they give out a blast that arouses the echoes from the woods, the fields and the shores—proclaiming that they are about to start! They tell us that the consequence is, that it takes so much steam to run the whistle that there isn't enough left to run the boat! (Laughter.)

There is no more important part of an argument in the court room than the statement of the case. That advocate succeeds best who in the statement of his case impresses the court

and the jury with the justice of his cause; that imparts to the court and jury an impression that somehow he ought to win that case. The first thing a wise lawyer will do as an advocate is to see that an impression like that gains firm lodgement in the breasts of the triers. You should know that the judge is almost universally training his thoughts in a line that leads to just results.

But, it may be suggested, suppose you are defending against that sort of a case, then what? Well, if you expect to prevail against a case that has inherent justice, equity and merit behind it, it must be by reason of some over-mastering principle of law; and so the wise thing to do is to impress upon the court early the strength of that legal proposition upon which the defense must rest.

It has been well said that a case well stated is half tried. It would not be wholly inaccurate to say that a case well stated is half won.

Avoid chronology in the statement of the facts of the case. By that is meant that a methodical and orderly statement of the facts, in the order of their occurrence, leading up to the controversy, is a systematic waste of time, in the absence, of course, of a preliminary statement of the legal propositions involved in the controversy, and underlying the facts which are stated. For instance: "If the court please, the question in this case is: 'Can a personal representative bind his estate by giving a promissory note in his representative name and capacity?' We say that he cannot so bind the estate. Our adversaries maintain that he can." Or, "The question in this case is: 'Can a debtor, or does a debtor, by giving his note to his creditor for the amount of his account, pay and satisfy that account?' We say that he does not, without an express agreement to that effect; our adversary maintains that the giving of a note under such circumstances pays, satisfies, discharges and forever extinguishes the account

and the account thereafter has no existence. That is the question."

Having made a brief, clear statement of the question involved, you may safely revel in chronology; because then the mind of the judge is trained upon the vital question and he is applying to it the facts which you state to him; otherwise, such a statement of the facts of the case is as instructive, as interesting and just about as entertaining as the exposed extremity of a telephone interview. (Applause.)

Avoid in your argument all attempt at witticism. If there is one serious suggestion in the impending address, it is right here—avoid every attempt at witticism. Crack no jokes; tell no funny stories in the argument of the case to court or jury. You will by your fun and levity undoubtedly entertain the jury —possibly the court; but that is not what you are there for. By your brilliant flashes of wit, and by your delightful humor, and by your really good stories—and they are the dangerous ones—you will excite an expectation in the jury for more fun after a while, and they will be impatiently waiting for something funnier still further on; while it is to the doubtful questions, the questions that need clearing up, that you should address yourself; and you should by your own seriousness impress the jury that to you and to your client that case is a matter of grave and serious concern.

The lawyer who achieves a reputation for being a funny man is doomed, so far as his advocacy is concerned; just like the sensational preacher is doomed when he has achieved the reputation of being sensational. He may build up congregations, but he will never build up churches—never did. You may win the applause and secure the verdict of that unsworn jury that sits without the bar; but when that sworn jury retires to the jury room to consider your case, it will be the weightier matters and not the "mint, anise and cummin" of the case that will engage their thought.

History perhaps, Mr. President, affords no better illustration of this subject than the case of the two rival orators of Greece in the palmy days of Grecian oratory. You will remember—some of you may have forgotten—that Philip of Macedon succeeded in making it very uncomfortable for the Greeks by cutting off access to their ports of entry, and other annoyances. This gave rise to two parties. One was in favor of making peace with Philip, and the leader of this party was that most accomplished declaimer who ranks in history as an accomplished orator, Æschines. There was another party quite as formidable, whose leader was Demosthenes, in favor of war with Philip; a war of extermination if necessary. So on one occasion after Æschines had addressed his partisans, indulging in wit and humor and pathos to a most remarkable degree, in favor of peace with Philip, when he had concluded, his hearers with one voice said: "What a magnificant oration; what sparkling, ready wit; what delightful humor; what moving pathos!" But nobody was heard to say: "Let us make peace with Philip." But when the great Athenian had concluded one of his masterly phillippics against the proud, aggressive Macedonian prince, with no disposition to indulge in, no genius for wit and humor, but pressing home upon his hearers the necessity of war to the bitter end, nobody was heard to say: "What a magnificent oration!" Nobody was heard to say: "What an accomplished orator!" But with one voice his followers exclaimed: "Let us go and fight Philip. Let us conquer or die!".

A more modern instance will further illustrate the subject. During the first half of the present century, a case came on for trial in one of the county courts in the interior of Massachusetts. The jury had been sworn. An elderly gentleman, a plain, quiet, unassuming sort of a man, came in and took a seat at the counsel table. He was a stranger to the twelve jurors. When the argument in the case was reached, it was opened for the plaintiff

by local counsel. He was followed by the orator of the county, and he out-did himself in his wonderful presentation of that case. He anticipated the advent of this elderly gentleman to take part in the trial. He set the court room in a roar; his wit, his humor, his pathos—were simply overwhelming. He won the applause of all present—even the jury! When the plain, elderly gentleman came to close the case, in a conversational way, making himself familiar with the jury, he proceeded to tear down the arguments of his adversary, to demonstrate to that jury in his plain way the strength of his own case. When the jury retired of course the unanimous expression of the jurors was that that young fellow had made the grandest plea—plain people call arguments "pleas"—the greatest plea they had ever heard. "Yes, that is true," said the foreman, "but then I liked the way that old chap that talked last explained the case." "Yes," said another, "and I think he is right about it. He is not much of a lawyer, never would be if he practiced fifty years; never could make a 'plea' like that young fellow; but it seems to me he has got the right of this case;" and the verdict was given him. Little did they know that that "old chap" was the elder Parsons; than whom few more accomplished lawyers ever stood in any court room to speak for his client. Now, which had you rather have, the applause and approval of the jury for your magnificent oratory or the verdict that that "old chap" gathered in? (Applause.)

It is a very common error, many times a fatal one, to assume and even say that you "assume that the court knows the law;" "of course the court is familiar with law in this case." Well, you had better, and you will if you are wise, assume that the court is densely ignorant of the law of your case (applause), and then proceed to enlighten the court upon the law of your case; for if it so be that the court does know the law of your case, all right, no harm is done; and if the court does not, you may

by your fatal confidence lose your case; whereas if you would enlighten the court as you should, victory would be yours. You have devoted weeks, it may be, to the law peculiar to your case, while to the court it may all be new.

In your arguments, you may, especially in reviewing courts, and more especially in courts of last resort—you may encounter questions from the bench. Few things are easier for a judge than to ask questions (applause) of counsel during his argument. Few things would be harder for him than to answer all his questions correctly. (Applause.) It has occurred to your speaker in his judicial service in past days, after having surrendered to an inquisitive impulse, that it was fortunate for the inquisitive judge that there is nothing in the constitution or statutes requiring him to answer his own questions. (Applause.) It is true, there are many proper questions which may fall from the bench; for instance, concerning some controlling fact in the case, or something concerning the state of the record. Such a question you should always be prepared for; and if you cannot answer it, it is because your client has hired the wrong lawyer; but when a sort of legal catechism is entered upon by one of the judges, don't at the peril of your case, undertake to answer him (applause) unless you are very sure that you are prepared conclusively to answer the question so as to silence all cavil upon that subject.

It is well enough to promise! (Applause and laughter.) It is well enough to promise the judicial inquisitor that after a while you will answer that question, and are thoroughly prepared for it. (Laughter.) By the time you have concluded, it is likely the judge could not, if put to the rack, recall the question, and will probably have forgotten it altogether.

Keep your temper during the argument of the case, whether you or the adverse counsel is arguing; just keep your temper. If temper must be exhibited, if somebody must get mad during the

argument of the case, by all means let it be the gentleman—or the lady—on the other side of the counsel table.

Now, ladies, please don't accuse nor even suspect your speaker of supposing impossible conditions (laughter) in order to illustrate his point. Not many years ago a lady lawyer, for she was both a lady and a lawyer, came into the court of last resort of this state, and alone, against three of the ablest male lawyers in the state, presented and argued her case—and she behaved like a gentleman, too. (Applause and laughter.) Now, what is meant by that is, that she fought fair and won her case, not because she was a lady and the judges were men, but because after thorough preparation, a thing indispensable in every case, she was able by a dignified statement to demonstrate to those five cold-blooded judges that the courts below had erred to the fatal prejudice of her client.

So, returning from a somewhat lengthy and complicated parenthesis—if somebody must be mad, let it be the gentleman or the lady on the other side of the counsel table. It may be well enough to suggest that you have observed — if it is the other one that is getting mad—that a lawyer usually begins to lose his case and his temper about the same time. He may get madder yet, or it may make him good-natured — in either case the victory is yours.

Never apologize for an argument under any circumstances or conditions. Please don't forget that. Never let the court or jury—or your client—know or suspect that you are not doing your very best all the time. The argument, or the address, or discourse of any kind, which requires an apology ought never to be delivered. If the performance is or promises to be one which calls for an apology, it is too long at best—don't you see? —and it is weakness, no, it is wickedness, to prolong its wretched life with a miserable apology. Do not antagonize the court. Adverse counsel will furnish you employment without going up against a hostile court.

Having quoted Latin to the judge, it is a thing at best of debatable propriety to translate it for him into English. (Laughter.) Besides it is an unnecessary reflection upon the classical and literary accomplishments of the judge. (Laughter.) If your suspicions that that judge will not know what your Latin means, are well founded—why, English is good enough for him.

As to the length of an argument; well of course there is no iron rule to guide counsel upon that subject. Some lawyers seem to talk to rest their brains (applause); some lawyers seem to talk—now please don't suspect the speaker of originality in this statement—some lawyers seem inspired by an ambition to make their speeches immortal by making them eternal (laughter); but keep in mind always that an argument which, throughout its delivery, thoroughly interests, instructs and entertains the court and jury, cannot within the limits assigned it very well be too long; the argument which does neither cannot very well be too short. (Applause).

Charles Dickens in his Pickwick Papers put into the mouth of Sammy Weller, during that profound philological discussion between Sam and his father, old Tony Weller—"the governor" as he called him—some philosophy concerning letter-writing which might also find appropriate application to an argument in court, or any other sort of address or discourse. You will remember that while they were concocting that immortal valentine—it was a brief one—Tony Weller, the old coachman, thought it was too brief, that the conclusion was rather abrupt; so he suggested to Sammy: "Rather a sudden pull up, ain't it, Sammy?" Then Sammy perpetrated this flash of philosophy: "Governor, the way to write letters is to write 'em so that when they've read 'em they'll always wish there was more!" It seems to your speaker that it would many times be wise to apply that philosophy to speech-making—especially to court room arguments.

But, young gentlemen, after all, nothing contributes so powerfully to the success of court room oratory as a pure life! Let the court and jury come to suspect that you have a serious impediment in your veracity and integrity; in other words, let them once lose confidence in you as a man in your word and in your sincerity, and you might just as well sit upon the counsel table and fiddle for that court and jury as to talk to them. No matter how profound, no matter how sound, no matter how logical, no matter how powerful otherwise your argument may be, it will be vain; and your adversary, if he be a man in whom the court and jury have confidence, who has so deported himself in his practice that they believe him to be an honest, sincere and truthful man, has a vast—it may be an overpowering—advantage of you.

So, my friends, from a field almost boundless in its proportions—rich in its resources, a few sheaves have been gathered at the hands, it may be, of an awkward gleaner, and laid at your feet. If your speaker has been able, on this warm day, by his presentation of these few branches of a subject so vast to instruct without wearying you, to entertain without offending you, his highest ambition for the occasion ought to be, and you may be sure it is abundantly appeased.

You see how impossible it is to traverse the entire field of oratory of the court room in a single address.

Nothing is more important, unless it is the introductory statement of an argument, than its conclusion. One of the richest and rarest gems of court room oratory is an artistic conclusion. Say the things which you deem the subject calls for. Omit the unnecessary and the doubtful things. Unnecessary things are vicious; doubtful things are dangerous.

You may encounter an extremity sometimes when you feel there is some statement you ought to make, something which the court and jury ought to hear, and you hesitate for fear it

may give offense to somebody. You may do well to remember that it is not in the clear open field of forensic combat, but it is in the narrow passes of professional warfare that your metal is to be tested. You may encounter an occasion, if you have not already, where you feel that your high duty as counsel and as advocate calls upon you to make some statement that has so far been withheld. It may be well in such extremity to take counsel of the words of that wise and brave man who said :

"Speak ! no matter what betide thee ;
Scorn the dungeon, rack and rod :
If a free thought seek expression
Speak ! and leave the rest to God !"

(Applause.)

Having then said the things which the subject and the occasion call for and require, having said them as acceptably as you may, dealing with the salient, the strong, the vital points in your case, after thorough preparation, then achieve as you may the proudest and richest trophy of court room oratory, and, imitating in this one thing the example of your speaker, simply quit! (Applause.)

UNREPORTED CASES—BY JUDGE JOHN A. SHAUCK.

The belief, or perhaps more properly the feeling, that a larger number of cases should be reported by the Supreme Court of the state, has received frequent expression. At the last session of the general assembly it found expression in a bill to require the court to report all cases and all motions disposed of. The bill received a majority vote in the senate, but failed to reach a vote in the house. That a favorable vote in the house would not have given to the bill the force of law was quite obvious to those who examined Houston v. Williams et al., 13 Cal., 24, where the late Judge Field very clearly justified the conclusion reached by the court that "No such power can exist in the legislative department or be sanctioned by any court which has the least respect for its own dignity and independence." Nothing could wholly or nearly compensate for the evils that would result from the subordination of any co-ordinate department of the state. But the recognition of the authority asserted by the senate in this instance might have brought results in which some elements of good might be found. It might have justified the inference that a court having jurisdiction in injunction should interpose to check the torrent of legislation, or, if that procedure should be deemed too tedious, that the governor should call out the national guard to disperse the general assembly when he should reach the conclusion that it has passed as many bills as the public good requires.

At the last meeting of this association the subject of unreported cases was regretfully adverted to in the address of the president. The voluntary selection of the subject is a sufficient

admission on my part that its full discussion here is in every respect proper. Between discussions of this question we have become accustomed to a consideration of the evils resulting from the enormous accumulation of reports and of evils resulting from delays in the administration of justice and of means proposed to facilitate the disposition of cases in the court of last resort. These subjects, be it noted, are always considered at different meetings. This may not be conducive to the soundest conclusions, but it is natural. One reaches a conclusion so easily if he does not heed opposing considerations.

What is the proposition? As generally stated, it is that a larger proportion of the cases decided by the Supreme Court should be reported. Inquiries actually addressed to a number of gentlemen who made this proposition elicited the information that most of them supposed that one case in ten or twelve is reported; some assume it be one in eighteen or twenty, but one thought it as many as one in five. With most, therefore, the proposition indicates an opinion that more than ten per cent. of the cases are worthy of report. Very likely it would be made less confidently and less frequently if attention were given to the facts. Of the cases determined in the period covered by volumes 58 and 59—about one year—more than thirty-two per cent. are reported with statements, opinions and syllabi. If to these are added the cases decided for reasons stated in the journal or upon the authority of cases cited, or for reasons stated in the opinions of the circuit court whose judgments are affirmed, it appears that more than thirty-eight per cent. are decided upon grounds of which counsel are advised by the court. It is not an unmerited compliment to the learning of the lawyers of Ohio to assume that in most of the remaining cases the grounds of decision have been suggested by the examination of the briefs of their adversaries and by their own familiarity with the established principles of law.

Certainly no infallible judgment is exercised in the selection of cases for report. Those who make the selection are not always in accord with respect to the reporting of particular cases. That selections must be made is quite obvious, for, as observed in Houston v. Williams: "It is not every case which will justify the expenditure of time necessary to write an opinion. Many cases involve no new principles and some are appealed for delay only. It can serve no purpose of public good to report elementary principles of law which have never been doubted for centuries." To report all without discrimination would be to contribute inexcusably to the "*elephantine libri*,"—Lord Coke's apprehension, our realization. What the public may reasonably desire and expect is that the selection shall be made in a spirit which shrinks from no labor or responsibility which the public good requires to be undertaken, and according to a rule by whose operation the reports shall aid as much as possible in comprehending the contributions which the courts are making from time to time to the evolution of the law and the processes by which they extend familiar principles to new conditions; and furnish, so far as they may, suggestions for the settlement of existing controversies and for an accurate understanding of rights and liabilities to arise out of transactions yet to be conducted. In an article in the Law Q. Rev., on "The Present System of Law Reporting," Mr. John Mews says: "A reportable case is one that will be useful to the practitioner, one that construes a somewhat ambiguous act of parliament of general interest; that lays down some fresh legal principle or applies a well known principle of law to entirely different circumstances; that doubts, or as it is frequently termed by the more polite reporters, distinguishes previous reported cases; cases in short, that add something to our legal knowledge. Unreportable cases will, therefore, include the following examples: Those turning on the special wording of a particular document, that is, gener-

ally, subject to considerable variation, for in such cases, as many past and present members of the bench have remarked, decisions on similar words in other documents are of little or no value. Many decisions on the constructions of wills and settlements should, therefore, be excluded as well as those on contracts or other documents the construction of which depends on their special terms. * * * Again, cases turning upon the doctrine of waiver, acquiescence or laches are for the most part useless. The rules governing these subjects are well defined. The only question that arises is not one of principle, but whether in each particular case these grounds of defense are an answer to the action."

This list of unreportable cases is clearly susceptible of extension. What good can result from the reporting of cases construing statutes which have been repealed or amended with respect to the point in controversy? A little reflection will show that many of the cases decided by an equally or nearly equally divided court should be omitted from the reports, because they determine nothing but the particular cases. This observation does not apply to cases involving questions of practice with respect to which, as to the pronunciations of words, it is chiefly important that they be settled; nor does it apply to cases depending upon questions in the law of contracts, for they furnish the foundations to titles and rights and liabilities. They are within the reason of the maxim *stare decisis*. With respect to such cases no judge who is conservative enough to be safe will seek to overthrow former decisions, whether made in his time or before it, however fully he may be persuaded that they should not have been made. It is the full justification of this maxim that in the cases to which it properly applies an improper rule should be changed by legislation operating prospectively and disturbing no vested right. But how can the maxim or this justification for it apply to cases which require the court to

determine whether the legislature, in a particular instance, has attempted to exercise power not conferred upon it, or to exercise power conferred in violation of limitations defined by the constitution? Surely there can be no necessity—rather there could be no excuse—for reporting cases brought to the court for the purpose of asking it to overrule one or more of its former decisions if it declines to do so. That purpose is frequently avowed by counsel, and it is more frequently obvious that it is in his mind. Is there either difficulty or uncertainy in the inference that the court's reasons for adhering to its former conclusion are those which it then gave for announcing it? Can it be thought necessary to report more cases holding that roads are a subject of general legislation, and, therefore, within the constitutional requirement that laws concerning them shall be of uniform operation? Could additional reports make the subject clear? Could further reports upon the classification of cities add to the confusion which now prevails with respect to that subject?

One who wrote in a recent number of a legal journal attempted the hard task of reconciling a desire for more reports with the admitted justice of the complaints concerning the burdensome accumulation of reports. In his view cases are reported at too great length. The assumption that this is occasionally so would not have reached his purpose. He assumed that it is usually so. He might have cited very many cases which have been reported at such prodigious length that in the absence of an authoritative syllabus it is always difficult, often impossible, to rescue the principle of the decision from the ocean of words in which it is submerged. This he regards as the natural result of reporting cases in opinions which bear the names of the judges by whom they are prepared. Employing the language of the day to condense his view, he thinks that a judge reporting a case in this manner plays to the grand stand, realizing that the spectators are all his contemporaries plus all posterity. Of

course his remedy is a resort to the impersonal *per curiam* in all cases. He seems to write seriously. But what an array of foemen he encounters. There is present a lawyer of ability and distinction who is deeply interested in the subject and who insists that every case which is worth reporting at all is worth reporting elaborately. He does not believe that every judicial opinion is valuable precisely in proportion to its length, but he will affirm and stoutly maintain that no opinion can be very great unless it is very long. How often do we see an adverse citation disposed of with the remark, "the case was disposed of in a per curiam," or "the case was reported very briefly and it does not appear to have been considered at length." Whether there is reason for it or not, on every hand, in text books, briefs and opinions, we see the *per curiam* treated as a juridical *nullius filius*. Perhaps a very large majority of us agree that "it is with words as with the sun's rays, the more they are condensed the deeper they burn," and that briefs and opinions alike lose strength when unduly expanded. But if we were all agreed as to the length at which a case should be reported, we should find it impossible to unify the operations of different minds. It seems to be by an inexorable law that some minds work to expansion and others to condensation. It is as unprofitable to complain of a judge because of the length of his opinions as it was to complain of him when he was at the bar because of the length of his briefs. He is offered no alternative. He must continue to use the same mind.

Reports composing a very large class seem to me to be usually over-valued. I refer to the cases in which it does not seem to be thought practicable to compose a syllabus consisting of a proposition or several propositions of law applicable to the facts and determinative of the rights of the parties and in which the syllabus consists of a statement of the facts followed by an announcement of the holding. Whether this form of syllabus is

resorted to because a majority of judges, though agreeing as to the judgment appropriate to the facts stated, do not agree upon the principle of the decision, or because of the difficulty of making the abstract instead of the concrete statement, the value of the report is to be determined by two considerations of which we are all aware. The first is that under our salutary rule the court is responsible for the syllabus only, and the second is that another case involving all of these facts and none other is not likely to occur in a generation. How many of such reports are really worth either the time necessary to prepare them or the space necessary to house them?

I confess to a general inclination to the belief that a somewhat larger number of cases should be reported. But it is frequently checked by a consideration of the unprofitable character of some of the cases which are reported. Let us recall a few types of the cases which not infrequently arrest our attention and the syllabi which express all that was decided all that the cases presented for decision: "In one case (43 Ohio St., 526) it was decided: 1. The burden of establishing a right to a perpetual injunction claimed by a party to an action in upon such party. 2. A court will grant a perpetual injunction only when a party shows a clear right thereto." In another (45 Ohio St., 464): "Where the provisions of a will in each and all of its items are, when considered as an entirety, so obscure that with the aid of all the light that can be shed on it by the extraneous circumstances, no definite idea can be formed of the intention of the testator in any of the dispositions he has attempted to make, it should be held void for uncertainty, and the property left to descend and be distributed according to law." In another (58 Ohio St., 426): "In the absence of direct evidence in its support, an allegation that one sustained injuries by reason of the negligence of the defendant is not sustained by proof of circumstances from which the fact that his

injuries were so sustained is not a more natural inference than any other." And in another, (59 Ohio St., 562): "The statute of descents operates upon all intestate property, and the course which it indicates can be changed only by a testamentary disposition."

Did these propositions add to the legal knowledge of any one who had been admitted to the bar? Would one of us increase his stacks to provide shelf room for a set of reports completely filled with such cases? But if cases decided upon familiar principles are to be reported, it is well that they be clothed in familiar attire. If valueless, they will be harmless It is always unprofitable and usually dangerous for the writer of a judicial opinion to use strange words in the statement of fumiliar principles. No one likes to be commonplace and the temptation to say something new is strong. It would be easy, but for me ungracious, to cite a case in which the judgment of the cir cuit court was affirmed correctly according to a principle plainly applicable and so long familiar that each of us could have stated it upon his bar examination. Why the case was reported is not apparent. It may have been because counsel seeking a reversal was especially insistent upon a report, believing that the court conld not decide against him and report the case. It could, and did. In both opinion and syllabus the novel was attempted and the fantastic achieved. The effect of strange language was heightened by some inaccuracies in its use, and though years have passed and judges have come and gone, we are not yet done explaining that the court did not assume authority to make law. It would be interesting to be inducted into the mysteries of some arithmetic by which we could compute what would have been saved to the state, and to the harmony of its jurisprudence, if in that case the judgment had been affirmed without a report.

It is sometimes said with much earnestness, even with feeling, that iimportant cases are decided without report. Howe

much pertinent truth there is in the observation depends upon the point of view from which a case appears to be important. Naturally every case which involves large interests seems important to the litigants. Quite as naturally the same view is taken by their counsel. In cases of that character the prosecution of proceedings in error is frequently thought to be justified. more by the amount involved than by the character of the questions presented. If a case is taken to the court of last resort because of the great desirability of a reversal, rather than because of the likelihood of obtaining it, should we not for that reason rather expect it to present nothing worth a report?

The individual belief that a somewhat larger number of cases should be reported is tempered by the knowledge that the determination with respect to each case represents the average judgment of those whose days are to be full of work, to whom it is a matter of entire personal indifference whether they devote the time at hand to reporting cases which they have decided, or to considering and deciding others; who have no desire either to exploit or suppress particular cases, and who report or omit to report cases from an impartial consideration of the probable value of a report. Each of us may take consolation from the assurance that, however important they may seem to those who are bound by the judgments rendered, the unreported cases, with only rare exceptions, legitimately belong to oblivion.

DIVORCE LAWS—ADDRESS BY HON. CHAS. PRATT.

It cannot be expected that in the brief time allowed me I should enter into any general discussion of the important subject announced. I may, however, properly in these limits seek to point out some of the defects in our divorce laws and also to suggest some of the amendments to our statutes and changes in our practice which occur to me as calculated to protect the rights of individuals and subserve the public interests. My aim is to speak as a member of this Association, and as an Ohio lawyer to Ohio lawyers upon the statutes of Ohio and the practice of the courts under these statutes. A few elementary principles, supposed at least to be undisputed, will be sufficient by the way of introduction. Mr. Bishop has, in the preface of his original work on the subject, stated as follows:

"Marriage is in every view the most important institution of human society; it involves the most valued interests of every class; awakens the thoughts and engages the care of nearly every individual; and how it may be entered in, or how dissolved, or what is the effect of a pretended dissolution, is matter of almost constant legal inquiry and litigation."

The marriage here spoken of is that of the *status*, and not the contract merely. The *status* is preceded by the contract, that is, a contract between one man and one woman, both unmarried, mentally and physically competent to contract, and neither under any disability. Such contract, consummated under the forms of law and the usages of society, is merged in the higher and more enduring relations, which modern writers and jurists have, for want of a better term, designated as the *status*. As such it involves not only the rights and duties resulting be-

tween the parties to the contract, the husband and wife—but also the status of their children born in wedlock, with all the rights, privileges and duties to each other, society and the state as parents and children. By all classes of people having any religious faith it is held to be of Divine origin, and in all civilized communities it is considered to have its source in the law of nature, and is recognized in all municipal law and in the general law of nations. Regarded as a contract it is *sui generis* and *publici juris*, because it establishes domestic relations which necessarily and regardless of the will or the wish of the parties to the contract affect the harmony and well being of the whole body of organized society, and therefore ought not to be set aside at the mere caprice or by the mere will of either or both the original contracting parties. In other words, if we were to consider nothing further than the mere contract, its relations to the public are such as necessarily require that its regulation and continuance or dissolution should be subjected in some form to the sovereign will and power of the state. Whether this should be done by compelling in any and every event its continuance during the life of the parties, or whether this sovereign power should under any given conditions, either upon the application of one or both the parties, or without or even against the will or wish of either, regulate or dissolve the marriage relation, considering it either as a *contract* or as a *status*, it is not within my present purpose to discuss. I start with the fact that in nearly all civilized governments there are some provisions for the exercise of the sovereign power over the marriage relation. That such provisions are made in every state of our Union, one, the single state of South Carolina, alone prohibiting its dissolution under any circumstances. I also start with the assumption that such control is in all human probability to continue, and generally with some provision for its dissolution by law providing either for a separation or partial or absolute divorce. It is not

because of any apprehension that these powers of the state will be taken away or improperly restricted that now causes any alarm or leads to any discussion, but it is the laxity of the divorce statutes in the several states and territories, and the increased and increasing frequency of divorce proceedings, the want of uniformity in the practice of the different courts and the facility with which divorces are in many cases, if not generally, obtained, that does in the view of very many thoughtful people excite great apprehension of evil. The interest in this matter has been such that in the year 1884 petitions, numerously signed by prominent citizens, were presented to congress requesting the passage of a law providing for inquiry into the laws of the several states in reference to marriage and divorce and the collection of statistics from the records of the several courts. In the year 1887 such a law was passed, and during that and the following years a great body of statistics was gathered and embodied in a report by the commissioner of labor completed and published in the year 1889. This report as published embraces a great mass of statistics, covering more than one thousand pages of printed matter. It covers a period of twenty years—those of 1867 to 1886, both inclusive. I can here make but very limited reference to this report. Any one desiring to obtain it can do so by application to the commissioner of labor of the United States. Some brief summary I may give, however. The report covers statistics of forty-seven states and territories, and states the number of divorces in the year 1867 at 9,937; increasing year by year to 25,535 in the year 1886, and among the rest giving for our own state the number as 901 in 1867 and 1889 in 1886. Referring in this connection to the reports of our own secretary of state for the number of divorces since the year 1886, I find the number to have so increased that it was in the year 1898 3,352—not quite twice the number in 1886; so that the increase from 1867 to 1898 has been from 901

to 3,352 or more than three and two-thirds times the number that it was in the former year. The report to which I have referred gives tables showing the relative increase of divorces and of population. These I cannot stop now to give, but the increase in divorces is very much larger than the increase in population, as appears from the figures already given, and this increase is evidently in an increasing ratio and substantially, if not entirely ,continuous: and no further argument is needed to substantiate reason for apprehension as to the future.

It is not my purpose, however, in bringing these facts and considerations before this Association simply to arouse sympathy or alarm; but in order to suggest the inquiry whether this body of lawyers has not laid upon it some duty if we continue to lay claim to be leaders in reformatory law, and some duty that has not as yet been performed by the association? Is not the duty laid upon us to consider whether our statutes on the subject of marriage and divorce may not be so changed as in some measure to remedy or lessen the evils and dangers which we have such reason to apprehend?

And first and very briefly, as to the regulations for the granting of marriage licenses. No lawyer who has had any extended practice in divorce cases, and certainly no one who has had any experience as a judge in the trial of divorce cases, but will have been convinced that a very large proportion of marital troubles and infelicities between husband and wife and consequent evils resulting to their children and to society, are due to hasty and inconsiderate marriages. Marriage is honorable and is encouraged by the laws of all civilized communities. In some of the states it is directly encouraged and contracts in restraint of it are held void, and in nearly all, if not in all, encouragement is given by way of exemptions and other privileges accorded to the married; but, still, as a necessity for the protection of society, the entering into this relation should be, and generally

is, guarded by certain regulations and prohibitions; and the question is pertinent here whether the statutes of this state might not be properly amended in this respect? Here is, no doubt, room for difference of opinion. Complaint is made of the amended section 6390, as passed in 1898. It is said to require the applicant to swear to facts which are unimportant and of which he may have no knowledge, and, therefore, is in restraint of marriage. If I were to make any criticism upon the statute it would be that while it does require certain matters to be stated that may or may not be considered important, it still gives no power or jurisdiction to act upon any such statement made in the affidavit. The judge is required to grant the license if he shall be satisfied that there is no legal impediment to the marriage, and the questions added to the original statute by the amendment do not relate in any way to any such impediment. A few years since this question was considered by a committee of the Lucas county bar association and a bill carefully drafted giving certain jurisdiction to the probate court to inquire and determine the right of the applicant to have a license issued to him on certain grounds. The bill as drafted, accompanied by a brief argument, signed by all the members of the committee, urging the reasons for its enactment, was forwarded to a member from our district; but sufficient interest in the matter was not manifested to procure even its introduction into the legislature. It was urged by members who were personally in favor of some such bill that the feeling against it was such that there could be no hope for its passage. It seems clear to me, however, that in some form the public should be protected against the burdens resulting from pauperized parentage, to say nothing of the miseries suffered by the deluded woman who in her eagerness to be married voluntarily joins herself in matrimony with a tramp, who, without occupation or means for her support, seeks to become her husband. As the law now stands, an inmate of the

county infirmary, if in any way able to procure the pittance necessary to pay the fee of the probate judge, could procure the prescribed license and the judge could not be justified in refusing it.

Again, the road from the divorce court to the probate court is, in our county at least, a well-beaten one and is open not only to the aggrieved party to whom a divorce has been granted, but also to the one shown to be in the wrong. This road, it seems to me, should in some way be either barred or at least made more difficult to travel. This might be done either by some judicial discretion vested in the probate court or by some power vested in the divorce court—of which I will speak more particularly a little further on.

Second, and more in line with the purposes of this paper, is the question whether the statutes of our state providing for the granting of divorces should be amended.

A comparison with the statutes of other states would not be amiss here; but any classification for the purpose of comparison of the grounds provided in different states is difficult to make. Between South Carolina upon the one extreme—which provides no ground whatever—and that of the state of Washington, which provides for its being granted for any cause deemed by the court to be sufficient and when the court shall be satisfied the parties can no longer live together, there is a great variety in the grounds provided by the different statutes. The following classification as to the grounds of divorce, as given by different statutes, however, I believe to be substantially correct:

1. Adultery; in all.

2. Wilful absence or desertion; length of time varying from one to five years—in all excepting two.

3. Extreme cruelty; in all excepting six.

4. Fraudulent contract; in all excepting seven.

5. Conviction of felony and imprisonment; in all excepting eight.

6. Habitual drunkenness—length of time varying; in all excepting nine.

7. Impotency; in all excepting eleven.

These cover all the causes specified in the Ohio statute, excepting No. 1, a wife living at the time of marriage, which, I presume, could be reached in some form in any jurisdiction; and excepting the 10th ground: that a divorce had been granted in another state which released the party applying and not the other. This is a ground only in Florida, Michigan and Ohio. The only other clause in Ohio is the 7th: "Any gross neglect of duty." This last ground, in these exact terms, can not, so far as I have been able to discover, be found in any other state or territory in the union. The nearest to it is a provision in Kansas—evidently copied from the statute of Ohio as it stood at the time Kansas was admitted as a state, which is "Gross neglect of duty," the word "any" having since been inserted and now a part of our statute. It is this last provision of our statute of which I make special complaint. The statutes of some of the states specify particular grounds that might be classed under this head, but none of them, aside from the state of Washington, give any such unlimited range as this: "Any gross neglect of duty." Experience shows that when a divorce is wanted, either by a husband or wife, and no specific ground can be alleged, that this clause is fallen back upon; or when some other grounds are alleged, it is also put in, to be relied upon in case of failure to prove any of those specially alleged, and the most trifling private and personal matters are under this allegation paraded before the gaping crowd of court loungers that habitually fill the back seats of the court room on divorce days, and these trifling matters, of which no one should ever hear outside of the privacy of the home, are magnified by the parties and their friends in their

passion and prejudice, so as to bring them within the view that some judge may have of "gross neglect of duty." It seems to me that abundant reason is developed almost daily in the trial of these cases, to—in the interests of society, to say nothing of the interests of innocent children—call for the total repeal of this provision, or for a more definite statement as to what shall be considered and allowed to be brought in under it.

It is true, not only as to this provision, frame it as you will, but also as to other provisions of the statute—for instance, "extreme cruelty"—that there always would remain room for construction by the courts of the meaning of the provisions; and one of the glaring defects in our statutes, in my judgment, is, that there is no means whatever whereby any rules of construction of the statutes can be given any general authority throughout the state. The court of common pleas is, without doubt, the proper forum for the trial of divorce cases. The several common pleas courts of the state are presided over by more than eighty different judges, each having equal jurisdiction and power, and no decision by any of them being subject to review either in the circuit court or the supreme court of the state. Each of these judges is, therefore, a law unto himself in the construction which he shall give to the statutes as well as in the determination of the facts in each given case which shall be claimed to bring the case within one or the other of the grounds for divorce. That there should be any uniformity of construction by these different judges, could not be expected; and that there is none will, I presume, be a conceded fact. That there ought to be some rule of construction which should be recognized in Ashtabula, Lucas and Hamilton, or any other county in the state, will also not be questioned, and it is an undoubted fact that parties seeking a divorce not infrequently seek to bring it to trial before such judge as they may think most liberal in his construction. I don't know whether it is so in any other state in the Union or

not. It is apparent from the reports of cases in the supreme courts of other states that some power of review is provided in at least some of the states, and I strenuously contend that there should be some such provision in the statute of Ohio.

And there is still another defect in our practice under the decisions of our own supreme court, dating as far back as the case of Bascom v. Bascom, decided in 1836 and reported in the 7 Ohio. In that case Judge Lane, in delivering the opinion of the court, says:

"Where a divorce is granted, upon which one of the parties contracts new relations, and a third party acquires rights, it cannot be that a process could be had to reverse a decree, the consequence of which would be a severance of all those new relations. Such anomalous mischief can not be engrafted on the practice of our courts,except by clear and explicit legislative enactment. That, we feel confident, can never take place." See also Parish v. Parish, 9 Ohio, 534.

This same reason may be given why the decree may not be reviewed on appeal or petition in error in a higher court. An illustration of the working of this rule is given in a case in Lucas county in which a wife, having been divorced on the ground of adultery, such decree still remains of record notwithstanding the fact that the prevailing husband and one of the witnesses have since been convicted, by different juries, of the crime of perjury upon testimony given by them upon the trial, and incarcerated in the penitentiary.

These last-named difficulties, of course, can only be overcome by some provisions of our statutes either for review by the trial court, upon sufficient ground shown to it, or upon error or appeal to the circuit court or the supreme court. In order to do this it would be necessary to make some provision limiting the right of divorced parties to remarry within such period of time as might be deemed essential to provide for the commencement

of such proceedings in review; with provision also that upon such proceeding being commenced, the prohibition should continue until they were finally terminated.

Akin to this is the question whether in all cases where a divorce is granted, both parties should be at liberty to re-marry. Should the party by whose aggression the divorce is granted be equally free with the aggrieved party to take upon himself anew the marital obligations? There can, I think, be no doubt but that it frequently happens that husbands or wives to whom the bonds of matrimony have become irksome, for some reason—their own fault or that of the other party—deliberately enter upon a course of life with a view to compelling the other party to commence proceedings for divorce against them. That no such proceeding should be possible is, of course, true. I am not prepared, however, to say that there should be an absolute prohibition against the person by reason of whose aggression the divorce was granted from ever re-marrying. Public policy might not be subserved by such an absolute prohibition. Further than that, the door should always be left open for the sinning party to reform. Even the repentant adultress, taken in the very act, was told to go and sin no more; but, what I do contend for is that the court trying the case should be given a discretion as to whether or under what circumstances, or within what time, if at all, the party in the wrong should be permitted to marry again. Difficulties in the enforcement, of course, can be easily foreseen, but provision might be made by stringent penal statutes which might render the violation of the order of the court at least dangerous.

Another idea I would be glad to enlarge upon somewhat, and I refer to an address on "Divorce Reform" delivered by the Hon, George W. Houk before this association at the meeting in 1891. I quote from this valuable paper as published in the proceedings for that year at page 160, the following:

"I would make every proceeding in divorce a quasi criminal proceeding; with a jury, of course, to determine upon a regular trial the question of guilt or innocence. The petition should be in the nature of an information, and if it should be found necessary under the constitution the action of a grand jury should be had."

My experience confirms me in fully indorsing this recommendation of this able lawyer and legislator; and, in this connection I take this further position—that either the prosecuting attorney or some other officer or attorney to be named by the court, should be required in every divorce case to appear in the interest of the public. The judge trying the case, knowing nothing of the parties and having no time or opportunity to make any investigation or examination other than by virtue of the questions that he may put of his own motion to the witnesses, may very easily be, and no doubt very often is, grossly deceived and misled as to the facts in the case. It is no rash assertion to say, not only that the testimony of witnesses in this class of cases is, in a great many if not in the majority of divorce trials, so exaggerated and magnified by the feelings, passions and prejudices of parties and their friends as to be unreliable, but that not infrequently direct perjury is committed. It should be the duty of some officer, by investigation and examination, not only in but out of court, to aid the judge in arriving at the exact truth of the matters alleged; and such officer should also be required, either of his own motion or by direction of the court, to institute any such proceeding as might seem necessary for the purpose of punishing the offending party.

To very briefly summarize in closing, I would amend our statutes in the following particulars:

1. I would give jurisdiction to the probate court to refuse license to marry in certain cases where the protection of society or the state might require it.

2. Either wholly repeal or materially modify and make more definite the seventh ground for divorce—" Any gross neglect of duty."

3. Provide for review of divorce decrees by the court in which granted, or by error or appeal, substantially as in other cases, the right to re-marry being denied until the time for such review had elapsed.

4. Give the divorce court the discretion to determine by its decree whether the party for whose aggression it is granted should re-marry, and the length of time after decree before which, if at all, the right might be exercised.

5. Provide for quasi criminal proceedings against the wrongdoer.

6. For the designation or appointment of a public officer whose duty it should be to appear in every divorce case in the interest of the public, and prosecute the wrongdoer criminally whenever he or the court should consider prosecution proper.

WORK OF THE MUNICIPAL CODE COMMISSION—BY EDWARD KIBLER.

For many years, in the state of Ohio, as elsewhere, there has been a widespread and growing dissatisfaction with the practical results of municipal government. In general the management of local affairs has been inefficient, extravagant, has entailed upon the people a needless burden of taxation, and it has resulted in such general dissatisfaction, almost amounting to distrust, upon the part of those not actively concerned in the management of municipal affairs, that many intelligent people seem to be convinced that American cities are incapable of self government. Indeed almost the last surviving argument which is now doing service against the success of popular institutions, is the alleged bad government of the cities of the United States. The prodigious municipal growth of the cities of Great Britain is one of the modern wonders of the world, and forces upon our attention the paradoxical fact that municipal government under the auspices of monarchical institutions has more nearly approached the true democratic type than has municipal government in the United States, the unmistakable tendency of which, under existing conditions, is a growth toward the federal plan, or one man power, with the mayor, the monarch of the municipal republic. The contrast is obvious, for under the American or federal plan, the whole responsibility for the administration of the city government is placed upon the shoulders of the mayor, while under the British plan the mayor is a figure head or nonentity, his power, in some instances, being actually limited to the appointment of a janitor.

It is singular that this almost humiliating contrast did not long ago so touch American pride, so stimulate the almost invincible energies of the American character, as to have wiped

out the stain of the present failure of municipal government from the record of American achievements. This observation ought not to be attributed to any sentimental weakness for things English, for it is the deliberate conclusion of every student of municipal affairs, and is all too manifest from even a superficial study of the subject. There are those who attribute American results to the alleged evils of universal suffrage, and earnestly advocate, as a panacea for all our municipal ills, an educational—or, as in Great Britain, a property—qualification to the right of suffrage. They point to the fact that the semi-imbecile inmate of our public institutions can exert as much power with the ballot as the most intelligent citizen who has large property interests at stake; but there are those who believe that popular suffrage is not responsible for all the evils attributed to it, and that it does not deserve to be made the veteran scapegoat for American municipal failures. Whatever may be the reason, it is quite manifest that in this country the people generally have very little practical interest in municipal affairs. They find themselves with scarcely any voice in the nomination of candidates for municipal offices, compelled to vote for candidates who represent in no sense the popular choice, but rather the selfish interest of a limited number of practical politicians; except upon conditions to which many people are unwilling to submit, they find themselves unable to obtain official positions, or have their qualifications for office receive even quasi consideration, and they come to look upon municipal affairs in general as the exclusive property of the politician, as the natural monopoly of partisan politics, and there results a feeling, more or less vague, that any official contact with city government is a kind of "marring touch," and that a contest for place involves some sort of moral taint.

Under the decisions of the Supreme Court of Ohio, which have never been satisfactory to the bench and bar of the state,

there has grown up such a diversity in the forms of municipal government, such an unscientific mingling of the executive and legislative functions as the result of municipal legislation, that public sentiment finally became effective in the passage of an act, on April 25, 1898, to be found in volume 93 of Ohio Laws' page 302, which required the appointment of two persons to compose a commission, known as the Municipal Code Commission, to revise the laws relating to the organization of cities and villages, and to prepare a bill, upon a plan of organization which should be uniform in its operation throughout the state, and in which there should be a separation of the legislative and executive powers of the officers of municipal corporations.

Since the first of August last, this commission has been engaged in a revision of the entire municipal code, and the work has so far progressed that the commission is able at this time to make a complete statement of the general provisions which will be contained in the bill, to be reported to the governor and to be by him submitted to the next session of the legislature.

It is the conclusion of the commission that the principal reforms needed in Ohio are:

First—The abolition of the classification of cities, and the government of municipal corporations by local councils and not by the state legislature.

Second—The confining of the functions of city councils strictly to legislative matters; confining administrative functions strictly to the executive department of cities, with the mayor as the responsible head, and the filling of all subordinate offices and places by a compulsory system of selection known as the Merit System of Appointments, and

Third—The nomination and election of all municipal officers, including members of the board of education, upon a non-partisan ballot.

I.

Under the constitution of 1802, which contained no provisions as to the organization of cities and villages, each town of the state was incorporated by a special charter or act of the legislature, and in 3 Swan's Statutes, pp. 2231–2247, appears a reference to the various special charters of the different towns of the state, down to 1835, nearly three hundred in number.

The provision of section 6, article 13 of the present constitution of Ohio, requires that the general assembly provide for the organization of cities and incorporated villages by general laws. This section was not discussed in the constitutional convention of 1850, and we are left to a careful study of the language of the section to ascertain its meaning. It *seems* perfectly obvious that the intention of the constitutional convention, in the adoption of this section, was to abolish all special legislation for cities and villages, and to make them, so far as their powers and the character and form of their government are concerned, as nearly uniform as general legislation could accomplish this purpose. In other words, that there should be no classes or special charters for municipal corporations, except the classification recognized by the constitution, viz., cities and villages.

By the act of May 3, 1852, Swan's Statutes, 1854, p. 955, the legislature provided for the organization of all municipal corporations into cities and villages, "To be respectively governed as cities or incorporated villages."

By the further provisions of the act, cities were divided into cities of the first class, with a population exceeding twenty thousand inhabitants, and into cities of the second class including all other cities; and into incorporated villages having a population of less than five thousand inhabitants, with a charter

form of government for the different classes of municipal corporations so established.

This division, sub-division and multiplication of the classes of municipal corporations of Ohio, has gone on by a process of arithmetical progression, until at present there are fifteen distinct classes, viz., four grades of first class cities; eight grades of second class cities; two classes of incorporated villages,—and hamlets, with a form of government to a greater or less extent different and special for each class. By this artificial and arbitrary classification, Cincinnati is the only city of the first grade of the first class; Cleveland is the only city of the second grade of the first class; Toledo is the only city in the third grade of the first class; Canton is the only city in the fourth grade of the first class; Columbus is the only city in the first grade of the second class; Dayton is the only city in the second grade of the second class; Springfield is the only city in the third grade *a* of the second class; Hamilton is the only city in the third grade *b* of the second class; Portsmouth is the only city in the third grade *c* of the second class; and Ashtabula is the only city in the fourth grade *a* of the second class.

Thus it will be seen that there are ten classes of Ohio cities with but a single city in each class, and that, under the present holding of the Supreme Court, notwithstanding the provision of the constitution, the right of the legislature is firmly established to legislate, not only in charter matters, but also in matters of mere local administration, especially for each city in Ohio, provided only that cherished legal fiction is adhered to of creating a special class for each city and then legislating for the class. So that in all these years since 1850, we have been traveling in a circle and have come back to where we were before the adoption of the present constitution, to the era of special charters.

It was not until 1884, that the Supreme Court was called upon to consider the first clause of section 6, of art. 13 of

the constitution, in the Brewster case in 39 O. S., 653, and while in that case the court concede that there was force in the objection that classification was illusory, yet they say,

"The validity of that classification has been recognized in this court, and the reasons for adhering to that construction of the constitution are cogent and satisfactory. Hence, we hold that statutory provisions with respect to any such class, are, for governmental purposes, general legislation, and not in conflict with art. 2 section 26, of the constitution."

Not only has this conclusion of the Supreme Court proved unsatisfactory to the bar of the state, but it has not reposed with any marked tranquility upon the judicial mind itself; for the court say, in a case of the State ex rel v. Wall et al., 47 O. S., 500:

"Grave doubts may well be entertained as to the constitutionality of this method of classifying cities for the purpose of general legislation. But it has received the sanction of this court in repeated decisions heretofore made; and in view of this fact, and the rule that forbids a court to declare a law enacted by the legislature as unconstitutional unless clearly convinced that it is so, we do not feel warranted in doing so in this instance."

In the case of the city of Kenton v. the State, 52 O. S. 61, the court say,

"We discover no reason why cities of the fourth grade of the second class, because at the last federal census they had a population not less than five thousand five hundred and fifty, and not greater than five thousand five hundred and sixty, should require exclusive legislation; and a classification of such cities by themselves, upon such a basis, is in our judgment, too restrictive, uncertain and illusory to relieve the act from the constitutional infirmity of not being uniform in its operation throughout the state, but local and special in its character."

The language of Judge Burkett, in the decision of Hixon v. Burson, 54 O. S., 482, clearly and forcibly states the protest of many members of the bar against the holding in 39 O. S.,—

"The constitutionality of an act is determined by the nature of its subject matter, its operation and effect, and not by its form only. In form an act may be general, while in its operation and effect it is local * * *. So that practically this section (sec. 26 of art. 2 requiring all laws of a general nature to have a uniform operation throughout the state) means that the legislation on the subject to which in its nature, laws having a uniform operation throughout the state can be made applicable, must be by statutes having such uniform operation, and cannot be by local or special act. The subject of the statute being of a general nature, all laws without exception, as to such subject, must have a uniform operation. The constitution makes no exception and the court can make none.

"The evident intention was, to restrict local and special legislation to such subjects as are in their nature not general, so as to compel as near as possible, uniformity of laws throughout the state. Another object of this restriction was to induce each member of the general assembly to employ his time, knowledge and skill in passing good laws for the whole people of the state, and to prevent the exchange of courtesies with his fellow members for the passage of local or special laws for the benefit of a favored few.

"The case of Kenton v. the State 52 O. S. 59, and other like cases throw but little light upon the question here involved, for the reason that in those cases the additional doctrine of classification of cities and villages is involved, a doctrine which has nearly wiped out the limitation as to general laws in Sec. 6, of art, 13 of the constitution, and which should itself be overruled, so as to enable us to get back to the wholesome provisions of that section. But the doctrine of classification of

cities and villages, as heretofore upheld, has been applied only to the organization and has not been and cannot be, applied to subjects in such cities which are of a general nature, and require laws of a uniform operation throughout the state."

In the case of the State ex rel v. Smith, 48 O. S. 211, the court apologized for upholding municipal classification by saying,

"It must be conceded that the method of classifying cities for the purpose of legislation has been carried to the very verge of constitutional authority. Many conscientious minds believe it has been exceeded. We have heretofore expressed our doubts upon the subject, but feel bound by the previous decisions of this court and are disposed to sustain any laws falling within the principle of those decisions; but we are unwilling to go beyond them and sanction legislation conferring corporate power that is plainly and palpably special in character."

Commenting upon this language, Judge Shauck in the case of Carr v. Carrollton 8 C. C. 1, says–

"Much more vigorous language would be required to express the opinion of that classification, that is generally held by the bench and bar of the state, and by many other intelligent citizens who seek better municipal government. It is well if not widely known that most of the eminent judges who participated in the decisions upholding such classification lived to regret the decisions and deplore the results which followed them."

Moreover the holding in 39 O. S. and cases following that opinion cannot be reconciled with the uniform construction given in a long line of cases by the Supreme Court, to section 26, Art. II, of the constitution, which provides that all laws of a general nature shall have a uniform operation throughout the state; nor has the Supreme Court ever ventured to give a reason for upholding the present municipal classification, except the apologetic plea of *stare decisis*.

Unless the Supreme Court should come to the conclusion, upon a revision of the municipal statutes, that this line of decisions following 39 O. S. does not fairly interpret the language of this constitutional provision, and upon reconsideration decide that the proper construction to be placed upon that language is that the only classification permitted by the constitution is cities and villages, an amendment to the constitution is essential to correct the evil, unless the legislature itself may so grow in wisdom as to take the stand against any other than the constitutional classification.

From a careful study of the language of the constitution embodied in sec. 6, of art. 13, it has seemed to the commission that the manifest intention of that section was to designate the classes into which the legislature was authorized to divide municipal corporations and that the legislature has no authority to make any other or further classification. One of the inevitable consequences of strict compliance with this constitutional provision, it seems to the commission, would be to give to each municipality of Ohio the largest measure of home rule, and to prohibit all legislative interference with the details of municipal government. The very language of the provision " shall provide for the organization of cities and incorporated villages by general laws, " is in effect a prohibition of all special legislation in substance as well as in form. The fact that legislative control of municipal affairs has increased in the same ratio as the number of municipal classes has increased, renders inevitable the conclusion that classification is merely the means or vehicle of special legislation, and that the abolition of municipal classes must necessarily result in the abolition of legislative control.

All the apparent difficulties in the way of the abolition of city classes disappear the moment we discriminate between the proper functions of the state legislature and of the city council in municipal affairs; the moment there is left in the hands of the

legislature of the state only matters of a general nature, which may be supplied by uniform laws applicable alike to all cities, and there is relegated to the city council all matters of purely local legislation, that moment the meaning of the constitution becomes unmistakably plain and the wisdom of it beyond all praise.

Indeed, classification as it exists at present, is simply a device to enable the legislature to evade the constitution and by a system of "Ripper legislation," deprive the municipalities of the state of local self government, and enable the legislature to do what it could not otherwise legally do, control municipal affairs by local and special legislation.

The commission will provide in its bill that municipal corporations shall be divided into cities and villages, and provide that there shall be no other classification of them into subdivisions or grades. The result of such legislation will be, that the legislature will grant to each city and to each village a large measure of power; that every grant of power to cities and every legislative act applicable to cities shall apply to all alike; that every grant of power and every legislative act respecting villages shall apply to all villages alike. It has always been the policy of our form of government to leave to each city and village through its council, the exercise of the powers granted by the legislature, and the determination of every question of purely local administration, and yet the policy of legislative interference, as sanctioned by the Supreme Court, has grown and gathered strength until the legislature of the state has practically become a state board of city councilmen whose time has been chiefly occupied with the administration of local municipal affairs. This policy is utterly mischievous and wrong. Local self government is the cardinal policy of both federal and state constitutions, and is the foundation principle of republican form of government.

It seems to me a misconception of the policy of the constitution of Ohio to permit the members of the legislature, elected wholly by constituencies outside of Cincinnati, who owe no allegience to the citizens of Cincinnati, and whose constituents have no conceivable right to a voice or vote in the administration of its local affairs, to control the local policy and administration of the government of the city of Cincinnati; to create local indebtedness for the citizens of Cincinnati to pay; to determine what minor officers are needed in the conduct of its government; to fix their salaries and the like, and it seems to me not too much to claim that all such laws which are local and special in their application, are a violation of the letter and spirit of that section of the constitution which declares that the legislature shall provide for the organization (it does not say government) of cities and villages by general laws.

II.

There is practical unanimity among all students of municipal government, that there should be a total separation of the administrative and legislative functions of municipal government; that is, that the duties of the council should be strictly legislative and it should be shorn of all administrative duties, and that no city officer or board of city officers who are appointed to administer the laws and ordinances should have any legislative functions whatever. The direction given to the commission by the act creating it, requires that all administrative duties should, therefore, be lodged with the officers who are charged with the duty of conducting the city business and enforcing the provisions of the laws and ordinances and that the city council should be the source of all municipal legislation.

This provision of the bill embodies a radical departure from the plan of municipal government which has been adopted in all the general and in most of the special legislation of the state.

Under the general municipal statutes the duties of city councils are more largely administrative than legislative in their character, while in much of the special legislation of the state, applicable to the larger cities, the officers vie with the council in legislative functions. The commission has adopted what is known as the federal plan, as the type of municipal government for all cities of the state. Under it the mayor becomes responsible for the conduct of the entire administrative department of the city. Under the federal plan the executive department consists of the mayor, and four directors who are appointed by the mayor, without confirmation by the council, and each director has exclusive control and authority in his separate department, and may be removed by the mayor at will, but the mayor is required to state in writing to the council, his reasons therefor. The only officers elected by the people are the mayor, treasurer, members and president of the council, police judge and clerk of the police court, all of whom are elected for two years, except the police judge who is elected for a three year term. The mayor has jurisdiction in criminal matters in all cities except such as shall by ordinance determine to have a police court. The four principal departments are as follows:

DEPARTMENT OF ACCOUNTS.

The director of accounts is given supervision and control of all the fiscal affairs of the city; shall keep a full set of books, exhibiting an accurate statement of all moneys received and expended, of all city property and the income therefrom, an account of all taxes and assessments and of all money due to and disbursements made by the city. A separate account of each appropriation and of each payment therefrom, and of all assets and liabilities of the city. The director is required to audit the accounts of each of the several departments and officers, shall prescribe the form of accounts and reports for all the

departments and officers, and have the inspection and revision thereof. All other departments are required to make detailed reports to him showing the receipt and expenditure of all money. He shall issue all warrants for claims approved by the head of the appropriate department. He shall make a yearly report to the mayor and to the auditor of state of the financial transactions and resources of the city, and in addition, the director of accounts is required to keep accounts which shall show as to each franchise granted by the city which renders a service paid for by the users thereof, the cost of the construction, maintenance and operation of the service, the annual collection from users and the character and extent of the service rendered and the amount collected by general taxation for the service rendered to the city and the character and extent thereof.

DEPARTMENT OF LAW.

The director of law has, under the new bill, the same duties now required of city solicitors and corporation counsels, with the exception that, in addition to the duties required of him by sec. 1777, he shall be required to restrain the payment of all illegal, unauthorized or fraudulent claims, or salaries, and if paid, to maintain an action to recover them back, and in general to maintain an action to recover back all moneys illegally appropriated or expended. There is the further provision that no additional counsel shall be employed at the expense of the city, except at the request of the mayor or the director of law, and then only by resolution of the council specifying the case or matter in which such additional attorney is employed, the reasons therefor, and fixing the compensation to be paid for the service.

It is also made the duty of the director of law, whenever instructed by resolution of the council, to apply in the name of the city to the court, for the appointment of a receiver to take

charge of all property and operate the same, of any corporation which is required to render any public service under any right or franchise granted by the city, whenever in the opinion of the court the corporation owning the franchise fails, for any reason, to furnish the service to the public required of it by the terms of the franchise, and that in such case it shall be the duty of the court to appoint such receiver and require him to operate the franchise and furnish such public service under the orders of the court until such time as it shall be made to appear to the satisfaction of the court, that such corporation is able to and will render the public service required of it by such franchise.

DEPARTMENT OF PUBLIC SAFETY.

This department has jurisdiction over the police force, its officers, employees and property connected therewith; sealing of weights and measures; city scales and markets; inspection of food; the public health; fire force of the city and officers, employees and property connected therewith; inspection of buildings, boilers, elevators and fire escapes; work-houses, houses of refuge and correction; cemeteries, infirmaries, and all charitable and penal institutions. The council may, by ordinance, provide for a superintendent of police and a police department; a superintendent of fire and a fire department, and a superintendent of health and charity.

DEPARTMENT OF PUBLIC IMPROVEMENTS.

Under the jurisdiction of this department are brought the administration of the water-works, care of streets, construction and care of public buildings, sewers, drainage, making and preserving all maps and surveys, general supervision of the highways, public places, street lighting, public buildings; and the council may provide by ordinance for a superintendent of water-works to have charge of that department, superintendent of

streets in the street department, chief civil engineer, who shall have charge of street improvements, and a superintendent of parks, who shall have charge of the public grounds.

In villages, the executive officers will consist of the mayor, clerk, treasurer and marshal, and the council may create by ordinance the office of solicitor, sealer of weights and measures, street commissioners and such other officers as may be necessary, all of whom shall be elected by the people.

In cities the legislative department shall consist of a council of seven members, three to be elected at large, and one from each of four councilmanic districts into which the city is to be divided; councilmen in cities to receive a salary and be required to give bond for the faithful performance of their duties.

In villages the legislative power and authority shall be vested in a council consisting of six members, all of whom are to be elected by the village at large.

The commission has come to the conclusion that no greater benefit can be conferred upon municipal government in Ohio, than the adoption and impartial enforcement of a complete and comprehensive merit system of appointments, applicable to the employment and retention of every subordinate officer and employee, to be controlled by reasonable and practical tests of qualification and by no other consideration whatever. Indeed, we believe that without this system it will be idle to dream of any substantial improvement in municipal government. We realize that no perfect form of government will of itself make good government; that no bad form of government, if managed by good men, will inevitably produce bad government, and that without reference to the form, no government can be satisfactorly administered unless controlled by men who are experienced, capable and honest. The commission has carefully studied the civil service system of the cities of Philadelphia, New York and Boston, and believes it to be its duty earnestly to recommend to

the legislature for adoption such a cumpulsory merit system to be applicable to each city of the state.

Great care has been taken by the commission in the preparation of this bill, and while it gives to the mayor the right of removal of any officer, in the administrative service of the city, with little restriction, it denies him the right to fill the vacancy. The bill will provide that the governor shall appoint three persons to be merit system commissioners, who may be removed for incompetency, neglect of duty, malfeasance in office, habitual drunkenness, gross immoralty, with the provision that any manifest failure on the part of any commissioner to enforce the provisions of the law according to its true intent and purpose shall be deemed incompetence. It requires the classification of all offices and places of appointment and employment in each city into a classified list, exempting from the operation of the act, officers elected by the people; judges and clerks of election, members of the boards of education, superintendents and teachers in the public schools, the heads of the four principal departments of the city, and members of the law department; it provides a method of examination in each city, under the supervision of the commission, of all applicants for office or place, which shall be practical in its character and shall relate to those matters which shall fairly test the relative capacity of the applicants to discharge the duties of the position and may include test of physical qualifications and health, and when appropriate, of manual skill; that in all cases where it is practicable, vacancies shall be filled by promotion; when a position or place is to be filled, it is the duty of the commission to certify to the head of the department or appointing officer, the name and address of the candidate standing highest on the register for the class or grade to which said position belongs, except that laborers may be selected by lot or by an examination which shall relate to their capacity for labor, their habits of industry and

sobriety and the necessities of themselves and families. The commission is required to appoint a chief examiner, whose duty it shall be under the direction of the commission, to superintend all examinations held in each city. The bill provides appropriate penalties for the bribery of the commission, for the solicitation of political contributions, payment of political assessments, abuse of official or political influence, and forbids the payment of any salaries or wages to any person for services as an officer or employee of any city unless such person is occupying an office or place according to the provisions of the merit system law.

Concerning the schools of the cities of the state, the commission has determined to limit the number of members of the board of education to seven, require their nomination and election upon a non-partisan ballot by the electors at large, and not by wards; requiring the selection and promotion of all teachers by the superintendent of the schools, subject to the confirmation of the board of education, and establishing a system of pensions to be paid to teachers upon their retirement after twenty-five years continuous service, and requiring the selection of teachers for the ensuing year to be made within sixty days of the end of the spring term of the schools.

III.

If I were to define in a sentence what I regard to be the real cause of the failure of municipal government in the United States, this would be that sentence—the almost complete domination of the machinery of municipal government by partisan politics. The idea that city government is the legitimate spoils of party politics may be said to be distinctively American. The contest has come to be, not which man will best serve the public interest, but rather which set of politicians shall gain the right to distribute the fruits of municipal government among

its party's zealots. The goal which we as good citizens ought to seek, is the control and management of municipal affairs upon something like good business methods and principles, by honest and capable men, and we do not achieve this end for the reason that municipal affairs are dominated by party politics. We ought to seek an administration of public affairs by men whose chief qualification for the office depends, not upon party zeal or service, but upon fitness to perform the duties, and whose official tenure shall depend solely upon their fidelity, honesty and devotion to duty; but it seems that party domination of municipal affairs has prevented this.

The commission believes that the municipalities of Ohio, or at least the larger cities, should own and operate their own water-works, gas works, electric light plants, sewage farms, telephone systems, power plants, street railways and all other natural monopolies or public services and that these should no longer be committed into the hands of private individuals or corporations, and yet we realize that the control of the municipal machinery by party politics is the sole barrier in the way of committing these public services to the management and control of the municipalities themselves, to be conducted solely in the interest of the general public.

Certainly the American people have carried their dominant political idea to the very verge of absurdity. Can anybody conceive of a good reason why there should be any *party* nominations, or *party* candidates for any municipal office? Is it not absurd to inquire of a candidate for mayor, city council or city treasurer his opinion upon subjects of national politics?

I fear that many good citizens, who are disposed to carry into municipal elections their zeal in national politics, will regard it as almost a breach of one of the ten commandments of American politics to know that this commission will recommend to the legislature, to enact into law a provision which shall render

the municipal ballot absolutely non-partisan in its character—in other words, that the municipal ballot be stripped of every vestige of party politics.

The recommendation of the commission will be that all nominations for municipal offices, including members of the board of education, shall be by petition, say of ten electors, to be filed a designated time before election day, and that the names of the candidates thus nominated shall be printed alphabetically upon the ballot under the name of the office, without any party or other designation whatever, and that no political party by action of a convention of delegates, primary election or otherwise, shall be permitted to indorse any candidate thus nominated, until after the nominations are closed.

It is impossible, within the limits of this paper, to go into any details concerning the provisions of this bill. The entire municipal code proper, commencing at section 1536, and ending with section 2730, has been rewritten and reconstructed. Among the general provisions applicable to all cities and villages, which are not now a part of the statutory law of the state, are the following:

Fixing March 31st, as the end of the fiscal year and the third Monday in April as the beginning of the municipal year.

Requiring as a condition precedent to maintaining an action thereon that a claim for damages for personal injuries upon any street or other public place, shall be presented to the mayor or city council within thirty days after the injury, stating when, where and how the injuries occurred and the extent thereof;

Giving to each city the right to recover back from the person receiving the same, and from each councilman who voted in favor thereof, any illegal expenditure of money and making it a defense in favor of the councilman only, that previous to the vote, the director of law in open council gave a written opinion that the expenditure was legal and giving to the councilman the

right of certification as surety in the judgment as provided in section 5419;

Requiring the council to provide by general ordinance, that all encroachments upon street or alleys by stairways, cellarways, etc., appurtenant to buildings shall pay into the general fund of the city a reasonable rental for such use;

That municipal corporations shall consist of cities having over three thousand inhabitants, and villages having a population of less than three thousand and that whenever a village, according to any federal or municipal census, shall attain a population of over three thousand, that it shall be the duty of the mayor to certify that fact to the governor, who shall by proclamation, advance the village to a city;

That the mayor shall have the power of vote in the following cases, viz., ordinances fixing salaries, involving an expenditure of money, the approval of a contract for the payment of money, for the purchase, sale or lease or the transfer of property, creating a right or levying any tax, or fixing the rents to be charged for the supply of water, or imposing any fine, penalty or forfeiture;

Except ordinances granting franchises, or for the ownership and operation of public utilities, which shall require for their validity a popular ratifying vote at the next succeeding general municipal election;

That franchises granted in any public street shall not be for a lônger period than twenty-one years, reserving to the city the right of purchase upon a valuation exclusive of good will, value of franchise and value based on earning power;

That no franchise of any kind shall be renewed or extended unless within eighteen months of its expiration; and that all franchises for the extension to new streets of franchises already existing, shall be made to expire with the existing franchise on the main system;

That no city shall become indebted for any purpose beyond five per centum of the valuation of taxable property, but that, in estimating such indebtedness, there shall not be included bonds issued in anticipation of special assessments, and bonds issued for the ownership or operation by the city of any public service which permanently produces a revenue;

And that no bonds shall be issued for any purpose for a longer period than twenty years;

Under the revision of the assessment statutes, the foot front and valuation methods are abolished in accordance with the decision of the Supreme Court of the United States in the case of Norwood v. Baker, and the benefits assessed on property shall be confirmed by the probate court;

The substitution of a city health officer in place of the board of health, under the superintendence of the state board of health;

Permitting cities of the population of fifty thousand or over, when authorized by a vote of the electors, to own and operate street railways and telephone plants.

Among the additional powers granted to cities and villages will be found the following:

To authorize the destruction of machines used for winning or losing money or anything of value by chance or hazard:

Authority to raise or lower grade crossings at the equal expense of the municipality and the railroad companies:

To erect public bath houses:

To regulate the erection and height of buildings, fences, partition fences and party walls.

To regulate the moving of buildings along public ways and to provide for the payment of compensation to those damaged:

To contract with street railway companies to convey away and dispose of street sweepings:

To require railroad companies to keep flagmen, and erect and maintain gates at railway crossings; with the further provi-

sion that when any railway company shall protect all crossings or public spaces within the limits of a municipal corporation, by gates and flagman, there shall be no limit to the rate of speed within the corporation:

To license and regulate keepers of intelligence or employment offices:

To license and regulate newsboys, boot-blacks, fortune tellers, clairvoyants, astrologists and massage doctors:

To provide for the inspection and regulation of bread, and prescribe the weight and quality of the loaf:

To provide for and regulate the construction and use of bicycle paths:

To establish and maintain a public municipal employment office:

To provide for and regulate the payment, by officers and employees of the city, of their just debts incurred for necessaries while in the employment of the city.

If the three cardinal features upon which our bill is drafted, viz., local self government for cities and villages, the merit system of appointments and the nomination and election of candidates for municipal offices upon a non-partisan ballot, will not have the effect of stimulating in the masses of the people a greater interest in the details of municipal government; will not render them more exacting and relentless in the condemnation of mismanagement, incapacity and unfaithfulness of public servants; will not bring about the management of municipal affairs by better men, with better methods and in the interest of the whole people, and will not visit with unmeasured condemnation the prostitution of public interests to private or political ends, then may we say that popular government is a dream.

The commission is aware that in the preparation of this bill it has placed its standard high; so high, indeed, that it cannot escape, in some quarters, the imputation of impracti-

cability of being top heavy with virtue, and the prediction that the passage of the bill by the legislature will be rendered improbable, at least in the near future; for in no respect has the bill in its preparation been marred or compromised with any view of furthering its passage; but we have considered that the evils designed to be corrected are growing intolerable, and that it is only a question of a short time when the popular protest against municipal mismanagement will become so unmistakable as to affect the legislation of the state, and the commission has dared to hope that an aroused public sentiment, through the instrumentality of the bar of the state, the commercial bodies and other organizations devoted to the cause of better municipal government in Ohio, may soon so touch the legislative conscience, that in the near future, this bill, or one embodying its essential features, may be found upon the statute books of the state.

MEMORIAL AND BIOGRAPHICAL SKETCH OF HON. WILLIAM LAWRENCE.

BY HON. JAMES H. ANDERSON, LL. B.

The Lawrences of the United States of whom I write are descendants of Sir Robert Lawrence of Ashton Hall, Lancashire, England. Sir Robert's grand-son, James Lawrence, in the reign of Henry II, married Matilda Washington, of the family from which our own George Washington sprang. The Lawrences in England were distinguished in public life, and otherwise. One of the family, a second cousin of Oliver Cromwell, was President of the Great Protector's Council, and a member of the House of Lords.

In 1635, two brothers, John and William Lawrence, came from England, and later another brother, Thomas, and settled on Long Island. From these three the American Lawrences trace their descent.

Joseph Lawrence, the father of the subject of this sketch, was born Dec. 2, 1793, in what is now Philadelphia, was a soldier in Captain Benezet's Company of Philadelphia Guards in the War of 1812, and removed to Ohio in 1816. Joseph was married in Jefferson county, Ohio, October 30, 1817, to Miss Temperance Gilcrist, who was born August 6, 1792 in Berkeley, county, Va. William, their son, was born on his father' s farm in Jefferson Co. O., June 26, 1819, entered Tidball's Academy in 1833, and Franklin College in 1836, and graduated with class honors, as valedictorian, in the fall of 1838. In November 1838, he entered the law office of James L. Gage of McConnellsville, O., as a student, graduated from the Cincinnati Law School in March

1840, was admitted to the bar in November following, and began the practice of his profession in July, 1841, in Bellefontaine, O. Several of his partners were great lawyers, notably Benjamin Stanton, William H. West, and Joseph H. Lawrence. In 1842, William Lawrence was commissioner in bankruptcy for Logan county; in 1845 was elected prosecuting attorney; in 1846 a member of of the House of Representatives; and in 1851 reporter for the Supreme Court in banc. The 20th volume of Ohio reports, the last under the old constitution, prepared by Lawrence, is certainly not inferior to any of its predecessors; in the systematic arrangement of the decisions, and in some other respects it is far superior. Lawrence was a member of the Ohio House of Representatives, 1846–48; member of the Ohio Senate, 1849, 1850 and 1854; and was author of the Ohio Free Banking Law, after which the National Banking Act was in part modeled. He was the author of many of our Ohio laws. In 1856 he was elected judge of the court of common pleas, which judicial position he resigned in September, 1864, a few days prior to his election to a seat in Congress. In 1863 Judge Lawrence declined an appointment as District Judge of Florida, tendered him by President Lincoln. During the Rebellion Judge Lawrence was colonel of the 84th Ohio (3-months) regiment, serving at Cumberland and New Creek, and for a month of that time he was president of a court martial which tried many important cases. He was elected five times to Congress and served with marked ability and industry ten years.

In July ,1880, President Hayes appointed Judge Lawrence First Comptroller of the United States Treasury, an office almost as important and difficult to fill as Secretary itself. "From his decision there is no appeal: he cannot be overruled by the Secretary, nor the President, though he may overrule the Secretary in the allowance of claims." While Judge Lawrence was First Comptroller, one bound volume of able, scholarly decisions was

issued annually—six volumes in all—and they have never been equaled by any similar decisions in this country.

In January, 1891, Judge Lawrence was elected president of the Ohio Wool Growers' Association, and held the position till he died. In October, 1893, Judge Lawrence, at Chicago, was elected president of the National Wool Growers' Association, and was continued in that office. His annual and semi-annual addresses have been widely circulated and read.

WILLIAM LAWRENCE AS A LAWYER.

When not engaged in public functions and official duties, he was daily practicing his profession with diligence and that zeal which enabled him to bear the heaviest burdens with a light heart. That his cases were always thoroughly prepared goes without saying. His rare acumen and cast of mind made it easy for him to discern and distinguish the true principles underlying his cases, and hence his arguments and citation of authorities were not apt to be wide of the mark. He saw as by intuition the point on which the decision of a case must turn, and all his immense resources were brought to bear to strengthen his position. His name as a lawyer often appears in our state reports, and in the reports of other states, as well as the United States, and usually on the winning side. In Washington he appeared before the courts and the departments in cases involviug great sums or immense tracts of territory. His fees were large, his cases important, his practice lucrative, and at the close of a long, laborious life his possessions were valuable; he was a millionaire

HONORS WERE SHOWERED ON JUDGE LAWRENCE.

His *alma mater* conferred on him the degree of A. M. and three Ohio colleges the degree of LL. D. In 1880 he was elected one of the vice presidents of the Literary Society of Washington founded by the eminent sculptor Miss Ransom, and

so he continued. In 1884 he was elected a member of the Philosophical Society of Washington, a very select body of learned scientific men. In 1889 he was elected one of the vice presidents of the Census Analytical Association of the U. S. In 1894 he was elected president of the National Statistical Association, organized in Washington. In 1881 "The American Association of the Red Cross" was organized at Washington, with Miss Clara Barton as president, and William Lawrence as vice president. Miss Clara Barton, writing to Judge Lawrence, from Washington, October 8, 1898, says: "Forever I must hold you as the pioneer of the Red Cross in America."

As Judge Lawrence was long in public life, and a large land-owner, and flock-master, it will scarcely be believed that he never enjoyed a glass of champagne, or hot Scotch, or other similar beverage; that he was never under the soothing influence of a pipe or a cigar, that he never raised to his lips an exhilerating cup of tea, nor so much as inhaled for many years before death the fragrant American tipple brewed from Rio, Java or Mocha. But it is all true; he denied himself these pleasures; he had none of the small vices of a gentleman. It may be asked, did this abstemious, not to say, ascetic life, add much to his reputation in the opinion of Young America? His life of self denial may have contributed to his perfect health, his capacity for work, his good humor, his genial disposition, and other qualities that made him one of the most useful and companionable of men.

Judge Lawrence was a member of the M. E. Church, and was four times a lay delegate to the General Conference of the church. He was elected for five terms of five years each a trustee of the O. W. University. He attended many great political and other conventions as a delegate.

Judge Lawrence was a charter member of Burnside's Post, No. 8, Department of the Potomac, Washington, and its first

commander. Blaine's Twenty Years of Congress contains most complimentary references to Judge Lawrence, and his public acts.

Judge Lawrence was one of the Ohio lawyers who on July 9, 1880, at Cleveland, organized the Ohio State Bar Association. In that great contest for the Presidency, before the Electoral Commission, under the Act of Congress of January 29, 1877, Judge Lawrence was an active and influential participant. He was selected by the Republican members of the House to appear before the Commission and present their views on the contested electoral votes of Oregon and South Carolina; and the records of the contest show with what learning and ability he acquitted himself on that great historic occasion, when the eyes of the world were on the scene.

JUDGE LAWRENCE AS AN AUTHOR.

The following are only a few of the works of this indefatigable and prolific writer:

1. The Law of Claims against the Government.
2. The Law of Religious Societies.
3. The Organization of the Treasury Department.
4. The Law of Impeachable Crimes.
5. Chapters in American History of Champaign and Logan Counties.
6. The Causes of the Rebellion.
7. Decisions of the First Comptroller, 6 vols.
8. Five Annual Reports as First Comptroller.
9. The Treaty Question.
10. Sketch of the Life and Public Services of John Sherman.
11. Reports in Congress.
12. Lives of the First Comptrollers.
13. Dissertation on Clithrophobia, Medical Science, 1887.
14. The American Wool Interest, 1892.

15. "American Wool", in the volume, "One Hundred Years of American Commerce", New York, 1895.

16. Documents on the Wool Tariff, 51st. Congress; Executive Document, 53d. Congress.

17. Arguments before the Senate Finance Committee.

18. Arguments before the House Committee on Ways and Means.

19. Memorial of the National Wool Growers' Association, 54th. Congress, Dec. 10, 1895.

20. Memorial of the Farmers' National Congress, 54th. Congress, Dec. 14, 1896.

Judge Lawrence's scholarly son, John M. Lawrence, A. M., to whom I am indebted for much of the data for this sketch, referring to his father's works, says: "He has written and published more on the sheep industry and the wool tariff than any other man in the United States." He further adds: "His miscellaneous law articles in law journals; his speeches and pamphlets used as political campaign documents in presidential and other elections; his judicial decisions; his addresses at college commencements; his miscellaneous addresses, if collected, would make several volumes, besides his speeches and reports in Congress."

William Lawrence was a Free and Accepted Mason of very high degree. Strangers who have examined the portrait of Judge Lawrence in the fine historical painting purchased by the U. S. Congress, now in the Capitol, entitled "The Electoral Commission," by the noted artist, Mrs. Adele Fassett, pronounce it a handsome and striking figure. He was certainly fine looking, and uncommonly youthful in appearance. He was popular with all classes, the cultured and uncultured, the religious and irreligious, and refined ladies found much to admire in the bearing and sparkling, intelligent conversation of this sagacious and upright savant and statesman.

The last time I had the pleasure of hearing Judge Lawrence, was at a banquet in Marion, February 4, 1897, given by the bar of Marion in honor of Judge C. H. Norris of that place, who after 12 years' continuous service on the Common Pleas bench had been elevated to the bench of the Circuit Court. All the Marion lawyers were present and many others of note. Those from Columbus were Chief Justice J. F. Burket, Attorney General F. S. Monnett, and the writer of this sketch.

Many fine speeches were made, but the best of all, the most eloquent and entertaining was that of Judge Lawrence. He was the last speaker, and it was nearly 4 o'clock in the morning when he arose, buoyant in appearance and fresh as an athlete, to deliver his remarkable address. It was a great surprise that a man of his years who (as he stated) had been a member of the bar 57 years, could at such an hour talk so eloquently. The press praised the address highly, and I have often heard it referred to since by those who were present.

Judge Lawrence died May 8, 1899, leaving a widow, two sons, and three daughters. He was away from home taking depositions, and died at the house of his son, William H. Lawrence, in Hardin Co., O.

And now, in closing this sketch, the writer can hardly do better than to subjoin the following article prepared years ago for an Ohio newspaper.

* * * * * * * * *

"I have known Judge Lawrence all my life, and few American citizens equal him in the qualities that go to make up a great man, and useful public servant. He is a man of tireless energies, of prodigious learning, of sound judgment, and of absolute honesty. Moreover, his views are broad and charitable; his disposition confiding and friendly; and his character noble and generous. His simple manners are pleasing, while his easy flowing eloquence never wearies. Jealousy never entered his

manly breast. He begrudges no one the good things of this life. On the contrary, he would like to see every man prosperous and happy. In the discharge of every trust, Judge Lawrence has acquitted himself well. He has always and easily risen to the high level of the responsible and commanding positions he has held. He has been equal to every emergency, and has generally surpassed the just expectations of his friends. As a statistical scholar, he has no equal in Ohio. He is clear and methodical, broad and accurate, and industrious beyond ordinary mortals. During the war, he was a soldier at the front when not employed in other exacting public service. His argument before the Presidential Electoral Commission, was one of the ablest made. He is an author of established reputation. Some of his works show great research and ability, and are quoted as authority in foreign countries. As a member of the General Assembly, (House and Senate) he was a model legislator; as reporter for the Supreme Court, he has had no equal in our judicial annals. His one volume of reports is a monument to his industry, systematic accuracy, and professional learning. He was nearly ten years a judge, and no more accomplished jurist ever sat on the Common Pleas Bench. He was ten years in Congress, where he displayed the same zeal, fidelity, erudition and eloquence that distinguished him in other fields of labor. But the crowning work of his laborious life were the six bound volumes of decisions as First Comptroller of the United States Treasury. The duties of this important position—only inferior to those of a cabinet office—were discharged in a manner to command the admiration of friend and foe, in Washington and throughout the country. Indeed no other man of his brilliant qualifications has ever held the office.

Judge Lawrence has long been a power in the counsels of the state and nation, and the administration of every trust under his guidance, on his high plane, has been marked by intelli-

gence and wisdom, born of earlier and better days. No charge, however important, has suffered in his hands, either through neglect, or lack of judgment. * * * In his party he knows no cliques, hence makes no enemies. He has never favored any set or circle, to the detriment of any other. His warm, cordial, fascinating ways, and great mental endowments, make him the soul and central figure of every group. He sprang from the people, and there he is strong. They will stand by him. They have ever stood shoulder to shoulder, round about him in every contest and trying hour.''

JUDGE DAVID A. ALLEN.

David A. Allen was born in Hopewell township, Muskingum county, Ohio, July 12, 1846. His father was a farmer and potter and built the old pottery at Pleasant Valley, Muskingum county, Ohio. When financial troubles overtook him, followed by sickness, from which he never recovered, young David Allen became the principal support of the family, and at the age of thirteen years, with no capital other than good health and energy, began life on his own account. He had worked up to this time with his father on the farm and in the pot shop.

From 1859 to 1863 he worked on a saw mill and at farming and in the fall of that year he started to school at Central College, Franklin county, Ohio. He had previously obtained the rudiments of a common school education, going to school a few weeks in the winters and studying rainy days and evenings, his first ambition being to become a school teacher. At the end of the fall term, 1863, he went to Indiana to hunt a school to teach. He taught in Rush county that state in the winter of 1864 and in the spring worked at a saw mill, driving a four horse team, hauling logs to the mill and lumber to Rushville.

He continued to attend school in the fall and spring, teaching in the winter and keeping up with his classes while teaching, until the summer of 1867, when he finished the Academic course of study, which ended his school life.

From 1867 until 1872, he was one of the most successful teachers Licking county ever had. In common with his school work, he took up the study of law, and in 1872 entered the office of J. M. Dennis, Esq., Newark, Ohio, to finish his legal studies, and in the fall of that year was admitted to the bar of this State.

In the spring of 1874, Judge Allen became a citizen of Newark, and formed a law partnership with Hon. J. M. Swartz, which continued for a year, and at the end of the year the partnership was dissolved by mutual consent.

Judge Allen was elected to the office of Probate Judge of Licking county, Ohio, in the fall of 1881. He was elected to the second term in 1884, retiring February 8th. 1888.

He resumed the practice of law, and in 1888 again formed a partnership with Judge J. M. Swartz, which existed until he entered upon his third term as Probate Judge in February 1897.

As Probate Judge, he made a splendid record that has never been surpassed, being kind and accommodating and thoroughly qualified. The important interests of that office were safe in his hands and we do not think his decisions were ever overruled.

Judge Allen was emphatically a self made man, who never received a dollar from any source, except from his own labor and energy, since he was a barefoot lad of thirteen.

He has always been a consistent, hard working Democrat, giving liberally of his time and means for the good of his party. While a thorough and all around Democrat, he has always been a free silver man. A man of the people, whose life has been a constant battle against adverse circumstances; public spirited and accommodating: active, energetic and progressive in every work he undertook.

His death occurred August 10th, 1898, from an injury which proved almost instantly fatal, by being thrown from a buggy during a runaway. Judge Allen left a widow, Hannah S. Allen, who had had fifteen years, experience as deputy clerk in the Probate Judges office of Licking county and was Judge Allen's deputy during his incumbency of the office. Five children by his first marriage, survived him. Judge Allen attended the session of the Bar Association the month previous to his death.

DEATH OF JOHN S. LEEDOM.

At a meeting of the Champaign County Bar, held Friday afternoon with W. R. Warnock as chairman and W. F. Ring, secretary, the following report was adopted, and a copy thereof ordered to be spread on the minute record of the Court, and also sent to the family of the deceased:

The death of John S. Leedom removes from our midst the oldest member in point of service of the Champaign County Bar, and one who for a period of more than forty years was actively and successfully engaged in the practice of his profession.

Admitted to the Bar in the early part of A. D. 1851, he was soon there after elected Prosecuting Attorney of Champaign county, and held that office for three terms.

He belonged to the minority political party but was again and again honored by it by unanimous choice for high judicial and political preferment.

He was singularly well equipped by nature and education for the successful pursuit of his chosen profession. He believed the practice of the law the noblest of all professions. He consecrated his life to his work and came to be widely known as one or the ablest lawyers of Central Ohio.

His unyielding devotion to the cause of his clients, his intuitive grasp of the controlling questions whether of law or fact involved in the causes entrusted to him, his candor and sincerity in argument, his logical mind, and his marked ability to state all propositions clearly, easily won for him a place among the first in his profession.

His uniform kindly consideration for the younger members of the Bar, his high regard and respect for his elders, his fair

treatment of and his respect for the Courts, his regard for the rights of others, his native modesty, his gentle manners and hopeful disposition endeared him to all, but especially to the fraternity which knew him best.

In his death the Bar of this county and State have lost one of its ablest, purest and noblest members.

This community has lost an exemplary character, a useful citizen, a man who in life was greatly esteemed and respected, and whose death is sincerely mourned by all.

We extend to his family our sincere sympathy in this hour of their great bereavement and sorrow, and as a token of our high regard for our deceased brother, and respect for his name and memory, the Bar of Champaign county will as a body attend his funeral.

Resolved, That the Court of Common Pleas of this county be requested to cause this memorial to be spread upon the Journal of the Court and that a copy thereof be sent to the decedent's family.

D. W. TODD.
T. D. CROW,
FRANK CHANCE,
Committee.

MORTUARY LIST.

MORTUARY LIST.

Name.	Became member.	Death.	Memorial.	Residence.
Adams, Hon. Perry M.	1889	August 22, 1891	Rep. 13, 34, 155	Tiffin.
Allen, David A.	1898	August 10, 1898	Rep. 20	Newark.
Angell, E. A.	1890	July 4, 1898		Cleveland.
Ashburn, Hon. T. Q.	Ex-officio.	January 17, 1890	Rep. 11, 44	Batavia.
Atherton, Hon. Gibson	Ex-officio.	November 10, 1887	Rep. 8, 187	Newark.
Barber, Col. Llewellyn	1880	July 25, 1895	Rep. 9, 285	Columbus.
Baker, William.	Original	November 17, 1894	Rep. 16, 123	Toledo.
Baldwin, Hon. Chas. C.	1889	February 2, 1895	Rep. 16, 119	Cleveland.
Bartley, Hon. Thos. W.	Ex-officio.	June 20, 1885		Washington, D. C.
Bateman, Hon. Warner M.	1891	October 4, 1897	Rep. 19.	Cincinnati.
Bates, Hon. James L.	1880	May 2, 1895	Rep. 11, 276	Columbus.
Beavis, Hon. Benj. R.	1880	March 4, 1884		Cleveland.
Bishop, Hon. J. P.	Original	October 28, 1881		Cleveland.
Brinkerhoff, Hon. Jacob	Ex-officio.	July 19. 1880		Mansfield.
Buckland, Hon. Ralph P.	Original	May 27, 1892	Rep. 13, 33, 205	Fremont.
Campbell, Hon. J. V	1882	July 2, 1888.	Rep. 9, 49 and 11, 288	Eaton.
Carhart, Henry Clay	1880	April 17, 1893	Rep. 14, 29	Galion
Carper, H. M.	1883			Delaware.
Chamberlain, H. A.	1881	February 18, 1884		Toledo.
Clark, Hon. Milton L.	1880	June 11, 1897	Rep. 18, 354.	Chillicothe.
Cochran, Hon. Robert Henry.	1895	February 22, 1896	Rep. 17, 249	Toledo.
Collins, Francis	1880	August 31, 1882	Rep. 9, 137.	Columbus.
Colver, Hon. Elisha M.	Original	September 24, 1895,		Sandusky.
Conklin, Hon. J. S.	1882	October 1, 1887		Sidney.
Cook, Asher.	1889	January 1, 1892	Rep. 13, 34.	Perrysburg.
Cowan, Hon. Allen T.	1883	June 21, 1891	Rep. 13, 33.	Batavia.
Culbertson, W. C.	1889	December 22, 1894.	Rep. 16, 147.	Mt. Vernon.
Critchfield, L. J.	Original	February 19, 1896	Rep. 17, 233.	Columbus.
Cunningham, Hon. Theo. E.	1883	April 14, 1889	Rep. 10, 43–46.	Lima.

MORTUARY LIST—Continued.

Name.	Became member.	Death.	Memorial.	Residence.
Daugherty, Hon, M. A	1880	January 15, 1887	Rep. 8, 190	Colu bus.
Day, Hon. Luther	Original	March 7, 1885		Ravenna.
DeWitt, Hon. James L	1890	October 11, 1890	Rep. 12, 49, 190	Sandusky.
Dilatush, Hon. W. S	1888	October 2, 1895	Rep. 17, 231	Lebanon.
Dowdall, Edward J	1881	April 5, 1890		Columbus.
Dunn, Hon. A. K	Original	April 29, 1890	Rep. 11, 47	Mt. Gilead.
Edwards, J. M	Original	December 8, 1886		Youngstown.
Elliott, Hon. Henderson	Original	June 24, 1896	Rep. 17, 219	Dayton.
Fitch, E. H	Original	September 9, 1897	Rep. 19	Jefferson.
Force, Gen. M. F				Cincinnati.
Foster, Hon. Edward	1880	April 17, 1883		Bryan.
Geddes, Hon. Geo. W	1892	November 9, 1892	Rep. 14, 131	Mansfield.
Gerard, C. W	1891	September 24, 1894	Rep. 16	Cincinnati.
Gilmore, Hon. Wm. J	Ex-Officio	August 9, 1896	Rep. 18, 250	Columbus.
Goode, Frank C	Original	November 29, 1887		Springfield.
Goode, Hon. James S	1880	April 19, 1891	Rep. 12, 33-36, 37, 41	Springfield.
Goodhue, Hon. N. W	1880	September 12, 1883		Akron.
Green, Hon. Edwin P	Original	December 23, 1894.	Rep. 16, 127	Akron.
Guthrie, Hon. E. A	1892	July 12, 1893		Athens.
Hall, John J.	Original	September 4, 1897	Rep. 19	Akron.
Hamilton, W. B	1880	September 23, 1887		Richwood.
Hanna, Hon. J. E	1883	August 30, 1894	Rep. 16	McConnelsville.
Hare, Hon. D. D	1884		Rep. 18, 261	Upper Sandusky.
Hurd, Hon. Frank H	1896	July 10, 1896	Rep. 17, 225	Toledo.
Hutchins, W. A	1880	January 22, 1895		Portsmonth.
Horton, J. D	Original	September 14, 1882		Ravenna.
Houk, Hon. G. W	Original	February 9, 1884	Rep. 15, 131	Dayton.
Johnson, Hon. W. W	Ex-officio	March 2, 1882		Ironton.
Keith, Myron R	Original	August 14, 1893	Rep. 15, 30, 32	Cleveland.
Kent, Hon. Chas	Original	July 9, 1888	Rep. 9, 45	Toledo.

MORTUARY LIST—Continued.

Name.	Became member.	Death.	Memorial.	Residence.
Kennon, Hon. William	Ex-officio	November 2, 1881		St. Clairsville.
King, Hon. Rufus	1880	March 25, 1891	Rep. 12, 38–43, 47, 181	Cincinnati.
Kramar, A	1881	August 10, 1885		Oak Harbor.
Lawrence, Hon. Wm	May 8, 1899		Rep. 20	Bellefontaine.
Lee, Hon. John C	Original	March 23, 1891	Rep. 12 29, 44, 46, 182	Toledo.
Leedom, John S			Rep. 20	Urbana.
Lemmon, Hon. John M	1892	August 17, 1895	Rep. 17, 247	Clyde.
Leonard, J. L	1890	September 3, 1895	Rep. 17, 241	Bucyrus.
Longworth, Hon. Nicholas	1882	January 17, 1890	Rep. 11, 43	Cincinnati.
Mason, Hon. James	1880	January 5, 1885	Rep. 9, 43	Cleveland.
Matthews, Hon. Stanley	Original	March 22, 1889	Rep. 10, 40, 43	Washington, D. C.
McIlvaine, Hon. Geo. W	Ex-officio	December 22, 1887		New Philadelphia.
Moore, Col. Oscar F.	1880	June 24, 1885		Portsmouth.
Noble, Henry C	1880	December 12, 1890	Rep. 12, 28, 50, 192	Columbus.
Northway, Hon. S A				Jefferson.
Odell, Hon. Morgan N	1881	October 29, 1888	Rep. 10, 46–50	Toledo.
Okey, Hon. John W	Ex-officio	July 25, 1885		Columbus.
Olds, Hon. Chauncey N	1880	February 11, 1890	Rep. 11, 282	Columbus.
Owesney, W. A	1880	April 18, 1886		Steubenville.
Perry, Hon. Julius C	1882	March 11, 1893	Rep. 14, 158	Cincinnati.
Pillars, Hon. Isaiah	1880	September 13, 1895		Lima.
Pomerene, Hon. Aaron Fife	1894	December 23, 1897	Rep. 19	Coshocton.
Price, J. F	1881	August 8, 1887		Toledo.
Richards, Channing	1894	September 12, 1896	Rep. 18, 241	Cincinnati.
Ranney, Hon. Rufus P	Original	December 6, 1891	Rep. 13, 187	Cleveland.
Rickenbaugh, Frank W	1887	June 13, 1898	Rep. 19	Toledo.
Sadler, Hon. E. B	1881	March 26, 1888		Sandusky.
Scott, A. W.	1891	March 9, 1896	Rep. 17, 237	Toledo.
Scribner, Hon. Chas. H	1884		Rep. 18, 245	Toledo.
Sherman, Henry S	1890	February 24, 1893	Rep. 15, 31, 121	Cleveland.

MORTUARY LIST—Concluded.

Name.	Became member.	Death.	Memorial.	Residence.
Sherwood, Hon. William E.	1890	September 23, 1892	Rep. 14, 165	Cleveland.
Scroggs, Jacob	1881	March 23, 1897	Rep. 18, 235	Bucyrus.
Slattery, John A	1883	December 23, 1895		Cincinnati.
Spence, George	1881	February 6, 1895	Rep. 16, 135	Springfield.
Spaldiug, Hon. Rufus P.	Ex-officio	August 29, 1886	Rep. 9, 143	Cleveland.
Swan, Hon. Joseph R.	Ex-officio	December 18, 1885	Rep. 5, 50	Columbus.
Swayne, Hon. Noah H.	Ex-officio	June 8, 1884	Rep. 5, 42	New York.
Thomas, A. Z.	1891	February 11, 1896	Rep. 17, 243	Ottawa.
Thomas, D. E.	1891	May 6, 1896	Rep. 17, 245	Toledo.
Thomas, W. B	Original	September 12, 1886		Ravenna.
Thompson, George K.	1882	January 27, 1890	Rep. 11, 45	Cincinnati.
Tilden, Hon. M. H.	1882	February 23, 1888		Cincinnati.
Thompson, Samuel J.	1882	October 14, 1895		Cincinnati.
Thurman, Hon. Allen G.	Ex-officio	December 12, 1895	Rep. 17, 145, 211	Columbus.
Train, A. W.	1880	May 13, 1891	Rep. 12, 201	Zanesville.
Tyler, Hon. Joel W.	Original	September 14, 1894		Cleveland.
Van Fleet, H. T.	1880	November 28, 1891	Rep. 13, 32	Marion.
Ward, Gen. Durbin	Original	May 22, 1886	Rep. 9, 139	Lebanon.
Walters, Octavius	1881	July 8, 1886		Delta.
Waite, Hon. Morrison R.	Ex-officio	March 23, 1888	Rep. 9, 173	Washington, D. C.
Waite, Edward Tinker	1880	December 23, 1889	Rep. 11, 289	Toledo.
Welch, Hon. John	Ex-officio	August 6, 1891	Rep. 13, 31, 33, 209	Athens.
White, Hon. William	Original	March 12, 1883	Rep. 6, 219	Springfield.
White, Hon. Charles R.	Original	July 29, 1890	Rep. 12, 32, 36	Springfield.
Wilder, Hon. Horace	Ex-officio	December 26, 1889	Rep. 11, 290	Red Wing, Minn.
Wildes, Gen. Thomas F.	1880	March 28, 1883		Akron.
Willey, George	Original	December 29, 1884		Cleveland.
Woodbury, Hon. Hamilton	Original	June 19, 1895	Rep. 16, 141	Jefferson.
Wright, James E.	1880	November 17, 1890	Rep. 12, 50, 184	Worthington.
Young, E. S.	1882	February 14, 1888	Rep. 10, 82	Dayton.

Local Bar Associations of Ohio.

Ashland County Bar Association, R. M. Campbell, Ashland, President, W. T. Dover, Ashland, Secretary.

Butler County Bar Association, Allen Andrews, Hamilton, President, Robert N. Shotts, Hamilton, Secretary.

Carroll County Bar Association, Thomas Hays, Carrollton President, U. C. DeFord, Carrollton, Secretary.

Cincinnati Bar Association, John R. Sayler, Cincinnati, President, Nath'l H. Davis, Cincinnati, Secretary.

Cleveland Bar Association, E. J. Blandin, Cleveland, President, T. H. Bushnell, Cleveland Secretary.

Crawford County Bar Association, Franklin Adams, Bucyrus, President, Wallace L. Monnett, Bucyrus, Secretary.

Darke County Bar Association, C. M. Anderson, Greenville, President, S. V. Hartman, Greenville, Secretary.

Franklin County Bar Association, Charles E. Barr, Columbus, President, Campbell M. Voorhees Columbus, Secretary.

Henry County Bar Association, Martin Knapp, Napoleon President, J. P. Ragan, Napoleon, Secretary.

Jefferson County Bar Association, Dio. Rogers, Steubenville, President, W. C. Taylor, Steubenville, Secretary.

Knox County Bar Association, John Adams, Mt. Vernon, President, W. L. Cary, Jr., Mt. Vernon, Secretary.

Licking County Bar Association, J. M. Dennis, Newark, President, Chas. W. Seward, Newark, Secretary.

Lorain County Bar Association, Chas. W. Johnson, Elyria, President, H. W. Ingersoll, Elyria, Secretary.

Mahoning County Bar Association, Thos. W. Sanderson, Youngstown, President, M. C. McNabb, Youngstown, Secretary.

Marion County Bar Association, W. Z. Davis, Marion, President W. E. Scofield, Marion, Secretary.

Miami County Bar Associations, Thos. B. Kyle, Troy, President, S. H. McPherson, Troy, Secretary.

Montgomery County Bar Association, R, D. Marshall, Dayton, President, O. F. Bauman, Dayton, Secretary.

Putnam County Bar Association, Jas. T. Lentzig, Ottawa, President, D. C. Long, Ottawa, Secretary.

Richland County Bar Association, S. G. Cummings, Mansfield, President, J. E. LaDow, Mansfield, Secretary.

Ross County Bar Association, Reuben R. Freeman, Chillicothe, President, Frank Hinton, Chillicothe, Secretary.

Sandusky County Bar Association, T. P. Finefrock, Fremont, President, Basil Meek, Fremont, Secretary.

Springfield Law and Law Library Ass'n, G. C. Rawlins, Springfield, President, D. Z. Gardner, Springfield, Secretary.

Southern Columbiana County Bar Ass'n. J. J. Purinton, East Liverpool, President, Wm. M. Hill, East Liverpool, Secretary.

Summit County Bar Association, C. E. Humphrey, Akron, President, H. M. Hagelbarger, Akron, Secretary.

Toledo Bar Association, L. H. Pike, Toledo, President, H. W. Frazer, Toledo, Secretary.

Vinton County Bar Association, J. M. McGillivray, McArthur, President, Henry W. Coultrap, McArthur, Secretary.

Warren County Bar Association, John E. Smith, Lebanon, President, George W. Stanley, Lebanon, Secretary.

Exchange List.

Bar Associations.

NAME.	SECRETARY.
Alabama State Bar Association,	Alex. Troy, Montgomery.
Alaska State Bar Association,	F. D. Kelsey, Juneau.
American State Bar Association,	John Hinkley, Baltimore, Md.
Arizona State Bar Association,	W. H. Hulings, Phoenix.
California State Bar Association,	C. J. Swift, San Francisco, Cal.
Cincinnati State Bar Association,	N. H. Davis, Cincinnati, Ohio.
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Law Association of Philadelphia,	B. Frank Clapp Philadelphia.
Rhode Island State Bar Association,	W. A. Morgan, Providence.
South Carolina State Bar Association,	J. P. Thomas Jr., Columbia.
South Dakota State Bar Association,	J. H. Voorhees, Sioux Falls.
Tennessee, State Bar Association,	C. N. Burch, Nashville.
Texas State Bar Association,	C. S. Morse, Austin.
Utah State Bar Associatian,	C. S. Kinney, Salt Lake City.
Vermont State Bar Association,	G. W. Wing, Montpelier.
Virginia State Bar Association,	E. C. Massie, Richmond.
Washington State Bar Association,	N. S. Porter, Olymphia.
West Virginia State Bar Association,	J. W. Ewing, Wheeling.
Wisconsin State Bar Association,	C. I. Haring, Milwaukee.
Wyoming State Bar Association,	C. W. Burdick, Cheyenne.

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Miscellaneous.

The State Historical Society of Wisconsin, Madison, I. S. Bruelby, Secretary.

Publishers Weekly, 59 Duane St., New York.

Leonard A. Jones, Counsellor at Law, 209 Washington street, Boston, Mass.

Walter B. Hill, Attorney-at Law, Macon, Ga.

Librarian of Marietta College, Marietta, O.

Cleveland Public Library, Cleveland, O.

Supreme Court Library, Columbus, Ohio.

Toledo Law Library, Toledo, Ohio.

Western Reserve Historical Society, Cleveland, O.

Albany Law Journal, Albany, N. Y.

American Law Review, St. Louis, Mo.

Central Law Journal, St. Louis, Mo.

Weekly Law Bulletin, Columbus, Ohio.

The Legal News Co., Norwalk, O.

Law School of the Cincinnati College, Walnut St., Cincinnati.

Francis Rawlin, Esq., 328 Chestnut St., Philadelphia, Pa.

Law School, Western Reserve University, Cleveland, O.

Buchtel College, Akron, O.

Columbus Law Library, Columbus, Ohio.

Law Library of Ohio State University, Columbus, O.

Law Dept., U. of M., Ann Arbor, Mich., Jos. H. Vance, Librarian.

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